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Washington, Saturday, July 28, 1951

TITLE 3—THE PRESIDENT

TRADE AGREEMENT LETTER

[CARRYING OUT THE TORQUAY PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND FOR OTHER PURPOSES]

JULY 23, 1951.

MY DEAR MR. SECRETARY:

Reference is made to my proclamation of June 2, 1951, carrying out the Torquay Protocol to the General Agreement on Tariffs and Trade, and particularly to the procedure described in Part I (b) (I) of that proclamation.

Norway has signed the Torquay Protocol on July 3, 1951. I hereby notify you that the following (1) complete items in Part I of Schedule XX annexed to the Torquay Protocol (in cases in which only the item designation is specified), (2) portions of such items to which particular rates are applicable (in cases in which the item designation is specified together with only one or more rates of duty), and (3) portions of such items identified by descriptive language (in cases in which the item designation is specified together with descriptive language, with or without the applicable rate of duty) shall not be withheld pursuant to paragraph 4 of the Torquay Protocol on or after August 2, 1951:

Item designation	Rates of duty	Descriptive language
66		Pearl essence.
302 (e) [first]		
302 (k)		
302 (l)		Manganese copper.
302 (m)		Ferrozirconium and zirconium ferrosilicon.
302 (n) [fifth]	12½% ad val., 20% ad val.	Zirconium silicon.
704		
710	5¢ per lb., but not less than 20% ad val.	All except Edam and Gouda cheeses, and except Parmesano, Provoloni, Reggiano, and Romano cheeses in original loaves, Provolette cheese, and sheep's milk cheese in original loaves and not previously specified.
718 (a)	15% ad val. [second such rate].	
718 (b)	6¼% ad val. [all such rates] 10% ad val.	
720 (a) (2) and (6)		
721 (c)		
721 (d)	7½% ad val.	
1404	1½¢ per lb. and 5% ad val.	
1514	½¢ per lb.	
1535		
1601		Nitric acid and anhydrides thereof.
1623		

Very sincerely yours,

HARRY S. TRUMAN

HON. JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 51-8773; Filed, July 26, 1951; 3:18 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

PART 371—SECURITY SERVICING AND LIQUIDATIONS: OPERATING LOANS

SUBPART B—LIQUIDATIONS

MISCELLANEOUS AMENDMENTS

1. Section 371.38 (b), which in certain transfer and assumption cases authorizes State Directors to recommend releases of Operating loan borrowers from personal liability, is hereby revoked.

2. Section 371.39 in Title 6, Code of Federal Regulations (13 F. R. 9457), is amended to provide that the assuming borrower, in certain cases, shall assume the indebtedness of the original borrower without change in the terms of repayment and without release of liability of the original borrower, and to read as follows:

§ 371.39 *Authority to approve assumption agreements.* State Directors

(Continued on p. 7381)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

are hereby authorized to accept assumption agreements for the Government in the types of cases covered by §§ 371.37 (d) and 371.38 subject to the requirements contained therein. In other cases assumption agreements may be accepted after approval by the National Office when it is determined that such action will be to the advantage of the Government and the interested parties. In all cases requiring prior approval by the National Office the assuming borrower, under the assumption agreement, shall assume the debt evidenced by the promissory note executed by the original borrower without any change in the amount or maturity of installments and without release of liability of the original borrower.

(R. S. 161, sec. 6, 60 Stat. 870, sec. 41, 60 Stat. 1066; 5 U. S. C. 22, 16 U. S. C. 590w, 7 U. S. C. 1015. Interprets or applies secs. 41, 51, 60 Stat. 1066, 1070, sec. 2, 50 Stat. 869; 7 U. S. C. 1015, 1025, 16 U. S. C. 590s)

DERIVATION: §§ 371.38 and 371.39 contained in FHA Instruction 455.1.

JULY 12, 1951.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: July 24, 1951.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8684; Filed, July 27, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO 14-A 20]

PART 904—MILK IN THE GREATER BOSTON MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary to make the present amendment to the said order, as amended, effective not later than July 25, 1951, to reflect current marketing conditions. Any further delay in the effective date of this order, amending the said order, as amended, will seriously disrupt the orderly marketing of milk for the Greater Boston, Massachusetts, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong. 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order, as amended and as hereby further amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Greater Boston, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, and it is hereby further determined that:

(1) The refusal of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practicable means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Greater Boston, Massachusetts, marking area; and

(3) The issuance of this order further amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (March 1951) were engaged in the production of milk for sale in the Greater Boston, Massachusetts, marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete § 904.7 (a) (3) (ii) and substitute the following:

§ 904.7 *Minimum class prices*—(a) *Class I prices.* * * *

(3) * * *

(ii) For each of the States of Maine, Massachusetts, New Hampshire, and Vermont, compute the simple average, on a monthly equivalent basis, of the following farm wage rates reported by the United States Department of Agriculture: The rate per month with board and room; the rate per month with house; the rate per week with board and room; the rate per week without board or room; and the rate per day without board or room. To convert the weekly rates and the daily rate to monthly equivalents, multiple the weekly rates by 4.33 and the daily rate by 26. From the simple averages, compute a combined weighted average monthly rate, using the following weights: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77. Divide the weighted average monthly rate by 0.6394, and multiply the result by 0.4.

* * * * * *

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 23d day of July 1951 to become effective on July 25, 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8733; Filed, July 27, 1951; 8:49 a. m.]

[Docket No. AO 113-A 13]

PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASS., MARKETING AREA

§ 947.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary to make the present amendment to the said order, as amended, effective not later than July 25, 1951, to reflect current marketing conditions. Any further delay in the effective date of this order, amending the said order, as amended, will seriously disrupt the orderly marketing of milk for the Fall River, Massachusetts, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order, as amended and as hereby further amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Fall River, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Fall River, Massachusetts, marketing area, and it is hereby further determined that:

(1) The refusal of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practicable means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Fall River, Massachusetts, marketing area; and

(3) The issuance of this order further amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (April 1951) were engaged in the production of milk for sale in the Fall River, Massachusetts, marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete § 947.6 (a) (3) (ii) and substitute the following:

§ 947.6 *Minimum prices*—(a) *Class 1 prices.* * * *

(3) * * *

(ii) Compute the simple average of monthly equivalent farm wage rates for each of the States named below after converting the rates reported by the United States Department of Agriculture to monthly equivalents by multiplying the rates by the factors as follows: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and rate per day without board or room, 26. Next compute a weighted monthly wage rate by combining the average wage rates for the respective States with the weights: Maine 10, Massachusetts, 6, New Hampshire, 7; and Vermont, 77. Divide the weighted average monthly wage rate by .6394 and multiply by 0.4.

* * * * *

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 23rd day of July 1951 to become effective on July 25, 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8732; Filed, July 27, 1951; 8:49 a. m.]

[Lemon Reg. 393]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.500 *Lemon regulation 393*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 25, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this

section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 29, 1951, and ending at 12:01 a. m., P. s. t., August 5, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C. this 26th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date, July 22, 1951]

DISTRICT NO. 2

[12:01 a. m. July 29, 1951, to 12:01 a. m. Aug. 12, 1951]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.313
American Fruit Growers, Inc., Fullerton	.854
American Fruit Growers, Inc., Upland	.287
Badington Fruit Co	.468
Hazeltine Packing Co	.232
Ventura Coastal Lemon Co	1.369
Ventura Pacific Co	2.117
Glendora Lemon Growers Association	1.741
La Verne Lemon Association	.854
La Habra Citrus Association	2.017
Yorba Linda Citrus Association, The	1.150
Escondido Lemon Association	2.923
Alta Loma Heights Citrus Association	.523
Etiwanda Citrus Fruit Association	.366
Mountain View Fruit Association	.324
Old Baldy Citrus Association	.845
San Dimas Lemon Association	1.586
Upland Lemon Growers Association	5.296
Central Lemon Association	1.295
Irvine Citrus Association, The	1.252
Placentia Mutual Orange Association	.799
Corona Citrus Association	.330
Corona Foothill Lemon Co	2.036
Jameson Co	1.010
Arlington Heights Citrus Co	.865
College Heights Orange & Lemon Association	2.809
Chula Vista Citrus Association, The	1.065
El Cajon Valley Citrus Association	0.069
Escondido Cooperative Citrus Association	.242
Fallbrook Citrus Association	1.716
Lemon Grove Citrus Association	.477
Carpinteria Lemon Association	2.104
Carpinteria Mutual Citrus Association	2.707
Goleta Lemon Association	4.534
Johnston Fruit Co	5.466
North Whittier Heights Citrus Association	.916
San Fernando Lemon Association	.560
Sierra Madre-Lamanda Citrus Association	.995
Briggs Lemon Association	2.703
Culbertson Lemon Association	2.015
Fillmore Lemon Association	1.431
Oxnard Citrus Association	5.262
Rancho Sespe	1.161
Santa Clara Lemon Association	3.341
Santa Paula Citrus Fruit Association	3.929
Saticoy Lemon Association	3.050
Seaboard Lemon Association	3.824
Somis Lemon Association	2.857
Ventura Citrus Association	1.030
Ventura County Citrus Association	.023
Limoneira Co	2.735
Teague McKevett Association	.941
East Whittier Citrus Association	.897
Leffingwell Rancho Lemon Association	1.003
Murphy Ranch Co	2.005
Chula Vista Mutual Lemon Association	.681
Index Mutual Association	.604
La Verne Cooperative Citrus Association	2.163
Orange Belt Fruit Distributors	.856
Ventura County Orange & Lemon Association	2.484
Whittier Mutual Orange & Lemon Association	.126
Cappos Bros. Produce	.004
Evans Bros. Packing Co	.001
Latimer, Harold	.023
MacDonald Fruit Co	.002
Mazomenos, William	.000
Paramount Citrus Association, Inc	.245
San Antonio Orchard Co	.000
Uyeji, Kikuo	.002

[F. R. Doc. 51-6782; Filed, July 27, 1951; 9:23 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Correction

In F. R. Doc. 51-8559, appearing at page 7275 of the issue for Wednesday, July 25, 1951, the title following the signature of C. J. McCormick should read "Acting Secretary of Agriculture."

[Orange Reg. 382]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.528 *Orange Regulation 382*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on July 26, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., July 29, 1951, and ending at 12:01 a. m., P. s. t., August 5, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,100 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(b) Prorate District No. 2: Unlimited movement;

(c) Prorate District No. 3: No movement;

(d) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107 as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of July 1951.

[SEAL] C. W. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., July 29, 1951, to 12:01 a. m., P. d. s. t., Aug. 5, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0750
A. F. G. Corona	.0406
A. F. G. Fullerton	1.0775
A. F. G. Orange	.3904
A. F. G. Riverside	.1227
A. F. G. San Juan Capistrano	.5609
A. F. G. Santa Paula	.4769
Eadington Fruit Co., Inc	5.2475
Hazeltine Packing Co	.3423
Krinard Packing Co	.1962
Placentia Cooperative Orange Association	.5134
Placentia Pioneer Valencia Growers Association	.6542
Signal Fruit Association	.0943
Azusa Citrus Association	.4796
Covina Citrus Association	1.2174
Covina Orange Growers Association	.5690
Damerel-Allison Association	.6798
Glendora Citrus Association	.4066
Glendora Mutual Orange Association	.8328
Valencia Heights Orchard Association	.4988
Gold Buckle Association	.4273
La Verne Orange Association	.5254
Anaheim Valencia Orange Association	1.1198
Fullerton Mutual Orange Association	2.7249
La Habra Citrus Association	1.2684
Yorba Linda Citrus Association, The	1.2047
Escondido Orange Association	2.2015
Alta Loma Heights Citrus Association	.0565
Citrus Fruit Growers	.1345
Etiwanda Citrus Fruit Association	.0302
Old Baldy Citrus Association	0.0600
Rialto Heights Orange Growers	.0530
Upland Citrus Association	.3624
Upland Heights Orange Association	.1189
Consolidated Orange Growers	1.9756
Frances Citrus Association	1.2282
Garden Grove Citrus Association	1.6637
Goldenwest Citrus Association	1.9053
Irvine Valencia Growers	3.8737
Olive Heights Citrus Association	2.1559
Santa Ana-Tustin Mutual Citrus Association	1.0165
Santiago Orange Growers Association	4.5213
Tustin Hills Citrus Association	2.0810
Villa Park Orchards Association	1.9167
Bradford Bros., Inc	.8631
Placentia Mutual Orange Association	4.2991
Placentia Orange Growers Association	3.5831
Yorba Orange Growers Association	1.2481
Call Ranch	.0655
Corona Citrus Association	.4076
Jameson Co	.1231
Orange Heights Orange Association	.5553
Crafton Orange Growers Association	.2493
East Highlands Citrus Association	.0568
Redlands Heights Groves	.1858
Redlands Orangedale Association	.1549
Rialto-Fontana Citrus Association	.0963
Break & Son, Allen	.0433
Bryn Mawr Fruit Growers Association	.0992
Mission Citrus Association	.1385
Redlands Cooperative Fruit Association	.2457
Redlands Orange Growers Association	.1404
Redlands Select Groves	.2105
Rialto Orange Co	.1875
Southern Citrus Association	.1118
United Citrus Growers	.2071
Zilen Citrus Co	.0354
Arlington Heights Citrus Co	.1089
Brown Estate, L. V. W	.1232
Gavilan Citrus Association	.1345
Highgrove Fruit Association	.0565
McDermont Fruit Co	.1161
Monte Vista Citrus Association	.2080
National Orange Co	.0469
Riverside Citrus Association	.0223
Riverside Heights Orange Growers Association, The	.0308
Sierra Vista Packing Association	.0395
Victoria Ave. Citrus Association	.1706
Claremont Citrus Association	.1084
College Heights Orange & Lemon Association	.2415
Indian Hill Citrus Association	.2104
Pomona Fruit Growers Exchange	.3014
Walnut Fruit Growers Association	.5079
West Ontario Citrus Association	.1738
El Cajon Valley Citrus Association	.1906
Escondido Cooperative Citrus Association	.2743
San Dimas Orange Growers Association	.3085
Canoga Citrus Association	.8057
North Whittier Heights Citrus Association	.8540
San Fernando Heights Orange Association	.7283
Sierra Madre-Lamanda Citrus Association	.3143
Camarillo Citrus Association	1.2923
Fillmore Citrus Association	2.9009
Mupu Citrus Association	1.8241
Ojai Orange Association	.6294
Piru Citrus Association	2.0087
Rancho Sespe	.7375
Santa Paula Orange Association	.9963
Tapo Citrus Association	.7212
Ventura County Citrus Association	0.3893
Limoneira Co	.5526
East Whittier Citrus Association	.3333
Murphy Ranch Co	.7625
Anaheim Cooperative Orange Association	2.1309
Bryn Mawr Mutual Orange Association	.1339
Chula Vista Mutual Lemon Association	.0831
Euclid Avenue Orange Association	.4999
Foothill Citrus Union, Inc	.1166
Fullerton Cooperative Orange Association	.3936
Garden Grove Orange Cooperative, Inc	1.3151
Golden Orange Groves, Inc	.1710
Highland Mutual Groves, Inc	.0086
Index Mutual Association	.3945
La Verne Cooperative Citrus Association	1.6269
Olive Hillside Groves, Inc	.6711
Orange Cooperative Citrus Association	1.6293
Redlands Foothill Groves	.3887
Redlands Mutual Orange Association	.1461
Ventura County Orange & Lemon Association	1.1479
Whittier Mutual Orange & Lemon Association	.1458
Babijuice Corp. of California	.7604
Banks, L. M	.6765
Becker, Samuel Eugene	.0089
Bennett Fruit Co	.1104
Borden Fruit Co	.5230
Cappos Bros. Produce	.0069
Cherokee Citrus Co., Inc	.1029
Chess Co., Meyer W	.4255
Dozier, Paul M	.0120
Dunning Ranch	.0466
Evans Bros. Packing Co	.7881
Gold Banner Association	.1652
Granada Hills Packing Co	.0313
Granada Packing House	.8561
Hill Packing Co., Fred A	.0596
Knapp Packing Co., John C	.5896
L Bar S Ranch	.1010
Lawson, William J	.0065
Lima & Sons, Joe	.0901
Oakley, C. B	.0009
Orange Belt Fruit Distributors	1.2559
Orange Hill Groves	.0086
Otte, Arnold	.0594
Panno Fruit Co., Carlo	.3017
Paramount Citrus Association	.7223
Patitucci, Frank L	.0087
Placentia Orchard Co	.5822
Prescott, John A	.0182
Redlands Fruit Association, Inc	.0141
Ronald, P. W	.0200
San Antonio Orchard Co	.2731
Stephens, T. F	.2363
Summit Citrus Packers	.0164
Treesweet Products Co	.2103
Wall, E. T., Grower-Shipper	.1275
Western Fruit Growers, Inc	.4476

[F. R. Doc. 51-8805; Filed, July 27, 1951; 11:37 a. m.]

[Orange Reg. 381, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the

applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) (*b*) of § 966.527 (Orange Regulation 381, 16 F. R. 7138) are hereby amended to read as follows:

(i) *Valencia oranges.* * * *

(*b*) Prorate District No. 2: 1,250 carloads;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 27th day of July 1951.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8806; Filed, July 27, 1951; 11:37 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[B. A. I. Order 368, Amdt. 6]

PART 93—SPECIAL REGULATIONS GOVERNING EXPORT AND IMPORT OF LIVESTOCK, OTHER ANIMALS, AND POULTRY TO AND FROM MEXICO

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture by section 2 of the act of Congress approved February 2, 1903, as amended (21 U. S. C. 111), the special regulations governing the export and import of livestock to and from Mexico (9 CFR and Supp. Part 93) are amended as follows:

1. The title of said Part 93 is amended to read as set forth above.

2. Section 93.1 is amended by adding, at the end thereof, two paragraphs reading as follows:

(h) "Poultry" means chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl, of all ages, including eggs for hatching.

(i) "Communicable disease" means any contagious, infectious, or communicable disease of domestic livestock, poultry, or other animals.

3. Sections 93.12, 93.13, 93.14, 93.15, and 93.16 are redesignated as §§ 93.13, 93.14, 93.15, 93.16, and 93.17, respectively.

4. A new § 93.12 is added, immediately following § 93.11, reading as follows:

§ 93.12 *Poultry*—(a) *Designated ports of entry for poultry.* All poultry offered for importation from Mexico shall be entered through one of the ports of entry named in § 93.2.

(b) *Permits for poultry.* For poultry intended for importation from Mexico, the importer shall first obtain from the Bureau a permit in two sections. One section will be for presentation to the American consul in the district which includes the point of origin and the other for presentation to the collector of customs at the port of entry specified therein. The poultry will be received at the specified port on the date prescribed in the permit for their arrival or at any time during one week immediately following, after which time the permit shall be void.

(c) *Declaration of purpose for poultry.* For poultry offered for importation from Mexico there shall be presented to the collector of customs, at the time of entry, a statement signed by the importer or his agent showing clearly the purpose for which said poultry are to be imported.

(d) *Certificate for poultry.* (1) Poultry, except eggs for hatching, offered for entry from Mexico shall be accompanied by a certificate of a salaried veterinary officer of the national government of Mexico stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement therefrom; that they were then found to be free of evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, they were not exposed to any such diseases during the 60 days immediately preceding the date of such movement. The certificate shall also state that the poultry have been kept in Mexico for at least 60 days immediately preceding the date of movement therefrom, or since they were hatched; that, in so far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease, avian pneumoencephalitis) occurred in the localities where the poultry were kept during such period.

(2) Eggs for hatching offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinary officer of the national government of Mexico stating that the flock or flocks of origin of such eggs were inspected on the premises of origin immediately before the date of movement of the eggs therefrom, and found to be free from evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, such flock or flocks were not exposed to any such diseases during the preceding 60 days.

(e) *Inspection at port of entry for poultry.* All poultry offered for entry from Mexico, including such poultry intended for movement by rail through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry, and all such poultry found to be free from communicable disease, and not to have been exposed thereto, shall be admitted into the United States subject to the other provisions in this part. Poultry found to be affected with or to have been exposed to a communicable disease shall be refused entry. Poultry refused entry, unless exported within a time fixed in each case by the Chief of Bureau, shall be disposed of as said Chief may direct.

(f) *Periods of quarantine for poultry.* Poultry from Mexico except eggs for hatching and poultry being transported in bond for immediate return to Mexico shall be quarantined for not less than 15 days counting from the date of arrival at the port of entry. During their quarantine such poultry shall be subject to such inspections, disinfection, blood tests, or other tests as may be required by the Chief of Bureau to determine their freedom from disease or infection with disease.

(g) *Feed and attendants for poultry in quarantine.* Importers of poultry subject to quarantine under the regulations in this part shall arrange for their care, feed, and handling from the time of unloading at the port of entry to the time of release from quarantine. At ports where facilities are not maintained by the Bureau, importers shall provide suitable facilities for the quarantine of such poultry subject in all cases to the approval of the inspector in charge at the port of entry. Each owner, or his agent, shall give satisfactory assurance to the inspector prior to the time of quarantine that such provision will be made. Owners shall keep clean, to the satisfaction of such inspector, the sheds and yards occupied by their poultry. If for any cause owners of poultry refuse or neglect to supply feed and attendants, the poultry shall be refused entry and returned to Mexico, or otherwise disposed of as the Chief of Bureau may direct.

(h) *Appearance of disease among poultry in quarantine.* If any communicable disease appears among poultry during the quarantine period, the affected poultry shall be disposed of as the Chief of Bureau may direct.

The broad, general purpose of the foregoing amendments is to provide for the certification, inspection, and quarantine of poultry offered for importation into the United States from Mexico, in order to prevent the introduction into this country of any communicable disease of poultry. An immediate purpose of the amendments, however, is to guard against the introduction into the

United States of a type of Newcastle disease (avian pneumoencephalitis) which exists in poultry in Mexico and which is much more virulent than any strain of that disease known to exist in the United States. Protection of the poultry interests of the United States from this type of the disease demands that this amendment be made effective at the earliest possible moment. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on these amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after their publication in the FEDERAL REGISTER. Such notice and public procedure are not required by any other statute.

These amendments shall become effective imemdiately.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 24th day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8683; Filed, July 27, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Including Amdts. 1-17]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

Ceiling Price Regulation 22 is republished to incorporate the text of Amdts. 1 through 17, inclusive. Ceiling price Regulation 22 was issued April 25, 1951 (16 F. R. 3562). Statements of Consideration for Ceiling Price Regulation 22, and for Amdts. 1-17, inclusive, as previously published, are applicable to this republication. The effective dates of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

COVERAGE

AUTHORITY: Sections 1 to 51 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1-51 contained in Ceiling Price Regulation 22, April 25, 1951 (16 F. R. 35623, except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: Amendment 1, May 28, 1951, 16 F. R. 4105.

Amendment 2, May 16, 1951, 16 F. R. 4439.
Amendment 3, May 28, 1951, 16 F. R. 4642.
Amendment 4, May 28, 1951, 16 F. R. 4967.
Amendment 5, May 28, 1951, 16 F. R. 5009.
Amendment 6, May 28, 1951, 16 F. R. 5010.
Amendment 7, June 1, 1951, 16 F. R. 5166.
Amendment 8, June 8, 1951, 16 F. R. 5477.
Amendment 9, June 20, 1951, 16 F. R. 5752.
Amendment 10, June 19, 1951, 16 F. R. 5864.
Amendment 11, June 26, 1951, 16 F. R. 5931.
Amendment 12, June 21, 1951, 16 F. R. 5940.
Amendment 13, June 29, 1651, 16 F. R. 6375.
Amendment 14, June 28, 1951, 16 F. R. 6307.
Amendment 15, July 2, 1951, 16 F. R. 6509.
Amendment 16, July 17, 1951, 16 F. R. 6773.
Amendment 17, July 19, 1951, 16 F. R. 7149.

COVERAGE

SECTION 1. *Sellers and sales covered by this regulation.* This regulation covers you if you are a manufacturer located in the United States (not including territories or possessions) or the District of Columbia. It applies to any sale of any commodity as to which you are the manufacturer, except sales of commodities listed in Appendix A and sales at retail. With these exceptions, the General Ceiling Price Regulation is superseded by this regulation as to manufacturers in the United States or the District of Columbia. If, however, your gross sales for your last complete fiscal year were less than $250,000 you may elect not to use this regulation, but if you so elect, you may not use this regulation for any of your commodities.

CEILING PRICES ESTABLISHED

SEC. 2. *Ceiling prices established by this regulation.* This regulation establishes ceiling prices for commodities dealt in between July 1, 1949 and June 24, 1950, and for new commodities introduced subsequent to June 24, 1950. There are also special provisions relating to (a) rounding ceiling prices, (b) retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent, (c) reduction of ceiling prices to reflect any increase in the value of scrap or waste material, (d) adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs, and (e) adjustment of ceiling prices for com-

modities manufactured in more than one of your plants.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

SEC. 3. *How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and June 24, 1950.* (a) Your ceiling price to your largest buying class of purchaser for sale of a commodity which you sold or offered for sale at any time between July 1, 1949 and June 24, 1950, is your base period price for the commodity, plus "the labor cost adjustment" and "the materials cost adjustment". Section 47 (Definitions) explains the meaning of "your largest buying class of purchaser". Sections 4 through 6 tell how to obtain your base period price. Sections 7 through 9 tell how to calculate "the labor cost adjustment". Sections 10 through 16 tell how to calculate "the materials cost adjustment". If you do not wish to make either of these calculations you may use your base period price as your ceiling price to your largest buying class of purchaser. If you wish to calculate only one of the adjustments you may do so, in which case you will add only the amount of that one adjustment to your base period price.

(b) Your ceiling price for sale of the commodity to your largest buying class of purchaser must be consistent in every respect with your base period price, e. g., it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale.

(c) Your ceiling price for sale of the commodity to your other classes of purchasers to whom you made sales during your base period is determined by applying your price differentials last used during your base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials in effect during your base period, or if none, then those last in effect before your base period. If you are selling to an entirely new class of purchaser you determine your ceiling price under section 33 for that class of purchaser. For each class of purchasers you must maintain all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale which you had in effect during your base period. An explanation of what is meant by "class of purchaser" is found in section 47 (Definitions).

BASE PERIOD PRICE

SEC. 4. *Base period.* "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949, which you may elect to use. Whatever base period you elect must be used for all commodities in the same category. There is an exception in case of a commodity which you did not deliver during that base period, and which you did not make the subject of a written offer for delivery during that base period, and for which you did not have a price list in effect during that base period. In that case you may use for that commodity any other base period permitted under this section.

SEC. 5. *Category.* "Category" refers to a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. This is the same definition as used in section 4 (c) of the General Ceiling Price Regulation. You may, however, exclude from any category any commodity or group of related commodities for which the base period you have elected to use for the category is unrepresentative because of special seasonal characteristics of that commodity or group of related commodities. In that case, treat the commodity or related group of commodities as constituting a separate category.

SEC. 6. *How to obtain your base period price.* Your base period price for a commodity is obtained as follows:

(a) If, during your base period, you delivered the commodity or contracted in writing to sell the commodity at a firm price, you find the highest price to your largest buying class of purchaser at which such a delivery or such a contract of sale was made.

(b) If you did not make such a delivery or contract, you find the highest price at which you made a written offer for base period delivery to your largest buying class of purchaser.

(c) Instead of the price under paragraph (a) or (b) of this section you may use your price, to your largest buying class of purchaser, which you announced in writing in a price list, catalogue, or similar statement showing your prices for one or more commodities. To use this paragraph (c) you must either have announced the prices during your base period, or have announced them previously and had them in effect during your base period. Also you must have communicated the prices to the trade or a substantial number of customers in your customary way. Further, you must have made substantial deliveries at these prices after your written announcement of the prices. If you use this paragraph (c) for any commodity you must also use it for all other commodities covered by the same announcement.

(d) If your base period price includes any excise, sales or other similar tax which is not separately stated, you must follow the instructions contained in section 36.

(e) If your base period price is expressed as a list price less discounts, you may make the adjustments of the base period price under section 3 (a) upon the basis of the net price to your largest buying class of purchaser.

Example: Your base period "list" price for commodity A is $12 less a 20 percent discount to your largest buying class of purchaser. "The labor cost adjustment" and "the materials cost adjustment" which you are permitted to add to your base period price total $3.84. You first take 80 percent of $12, thus applying the 20 percent discount. The resulting amount, $9.60, plus $3.84 equals $13.44, your "net" ceiling price to your largest buying class of purchaser. You can figure your "list" ceiling price by dividing your "net" ceiling price ($13.44) by the same percentage (80 percent), giving $16.80. Applying the 20 percent discount to your largest buying class of purchaser gives you $13.44, or your "net" ceiling price to that class of purchaser.

(f) If, during your base period you customarily produced the same commodity at two or more manufacturing establishments of your business and sold it at different prices depending upon the place of production, you must obtain a separate base period price and determine a separate ceiling price for each such establishment.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

SEC. 7. *General description of how to calculate "the labor cost adjustments".* Sections 8 and 9 tell how to calculate "the labor cost adjustment". The calculations under both sections are designed to yield an average percentage increase in your factory labor cost based upon net sales and factory payroll data for your last fiscal year ended not later than December 31, 1950. This percentage is referred to as your "labor cost adjustment factor". Under section 8, the net sales and factory payroll data are for your entire business and the labor cost adjustment factor will be applied uniformly to the base period prices of all of your commodities. Under section 9, the net sales and factory payroll data are for a unit of your business and the labor cost adjustment factor will be applied uniformly to the base period prices of all commodities produced in that unit. If the commodities produced in the several units of your business have experienced significantly different labor cost increases, it will probably be to your advantage to use section 9 so as to reflect these differences more appropriately.

SEC. 8. *How to calculate "the labor cost adjustment" upon the basis of your entire business.* To calculate "the labor cost adjustment" upon the basis of your entire business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your entire business for your last fiscal year ended not later than December 31, 1950. You may not include in factory payroll, labor used in general administration, sales and advertising, or research, or in making major repairs or replacement of plant or equipment or in expansion of plant or equipment. Labor used in factory supervision, packaging and handling, ordinary maintenance and repair of plant or equipment, or in materials control, testing or inspection may, however, be included.

(b) Divide the dollar amount of your factory payroll found under paragraph (a) of this section by the dollar amount of your net sales found under (a). This will show what percentage your factory payroll is of your net sales. This percentage is referred to as your "labor cost ratio".

(c) Find the dollar amount of your factory payroll, as limited in paragraph (a) of this section, for your last payroll period ended not later than the end

of your base period (if your base period is April 1 through June 24, 1950, you should use your last payroll period ended not later than June 30, 1950). The term "end of your base period" is explained in section 47 (Definitions). This payroll is referred to as "your base period payroll". Compute what the dollar amount of your base period payroll would have been upon the basis of your wage rates in effect on March 15, 1951. This is referred to as "your recomputed payroll". You may add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of insurance plans, pension contributions for current work, paid vacations and similar "fringe benefits". You may also add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of required payments under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and any state or local unemployment compensation law. You may not include in your recomputation of your base period payroll any wage increase or "fringe benefit" granted or determined after March 15, 1951, even though, for example, such wage increase or "fringe benefit" is retroactive to March 15, 1951, or any prior date, and is pursuant to a contract in effect on March 15, 1951. You may make the calculations called for by this paragraph in whatever appropriate way is best adapted to your accounting records and your basis of wage payments, e. g., hourly rates, piece-work, or any other system of wage payments used by you.

[Paragraph (c) amended by Amdt. 10]

(d) Divide the dollar amount of the difference between your recomputed payroll and your base period payroll by your base period payroll. The resulting percentage is referred to as your "wage increase factor."

(e) Multiply your labor cost ratio derived under paragraph (b) of this section by your wage increase factor derived under paragraph (d) of this section. The resulting percentage is referred to as your "labor cost adjustment factor."

(f) Multiply the base period price of the commodity being priced by your labor cost adjustment factor. The resulting amount is "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(g) If you use this section, it must be used for all of your commodities.

Example: (a) Your fiscal year is the calendar year. Your net sales for the twelve months ended December 31, 1950, were $1,000,000. Your factory payroll for the year was $300,000 (the required exclusions having been made in arriving at this figure).

(b) $300,000 divided by $1,000,000 is 30 percent. This is your labor cost ratio.

(c) Your factory payroll for the week ended June 24, 1950, was $6,000 (the required exclusions having been made in arriving at this figure). At wage rates in effect March 15, 1951, the payroll would have been $6,500. In addition you have also granted longer paid vacations and a more liberal insurance plan which amounts to the equivalent of two and one-half cents per hour. The number of hours covered by your base period payroll was 4,000. Consequently the increased "fringe benefits" add an extra $100 per week to your factory labor cost for the March 15 period. This makes your recomputed payroll at March 15 wage rates $6,600, or a total increase of $600.

(d) $600 divided by $6,000 is 10 percent. This is your wage increase factor.

(e) 30 percent multiplied by 10 percent is 3 percent. This is your labor cost adjustment factor.

(f) If your base period price was $100, you multiply $100 by 3 percent, giving $3, "the labor cost adjustment".

SEC. 9. *How to calculate "the labor cost adjustment" upon the basis of a unit of your business.* To calculate "the labor cost adjustment" upon the basis of a unit of your business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your last fiscal year ended not later than December 31, 1950, relating to a unit of your business for which you regularly maintain separate accounts and in which the commodity being priced is produced. You must include in net sales the value, as shown on your records, of any transfer of a commodity or material from that unit to another unit of your business. If your records do not show a value you may not use this section. The provisions of section 8 (a) as to what may be included in factory payroll apply.

(b) Using the data found under paragraph (a) of this section you make the calculations prescribed in paragraphs (b), (c), (d), (e) and (f) of section 8, for the unit of your business to which the data relate. This will give you "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(c) This section may be used only for commodities produced in the particular unit of your business to which the net sales and factory payroll data relate, and must be used for all commodities produced in that unit.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

SEC. 10. *Manufacturing material.* You will need to become familiar with the term "manufacturing material" in the following sections. It refers to a material entering directly into the commodity being priced or used directly in the manufacturing processes from which the commodity results, together with packaging materials, containers (other than returnable containers), purchased fuel, steam or electric energy, and subcontracted industrial services which are directly related to the manufacture of the commodity. The term does not include materials or sub-contracted industrial services used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly dependent upon the rate at which you manufacture the commodity being priced.

SEC. 11. *General description of the methods available.* (a) There are four alternative methods available to you for calculating "the materials cost adjustment." You should use the one best suited to your particular situation. Only manufacturing materials may be taken into account in your calculations and you will measure their change in cost to you between prescribed dates. You are permitted, however, to omit any manufacturing material which is not significant or whose cost has not decreased between the prescribed dates. This section contains ony general descriptions, as an aid in understanding. The exact provisions which are in the following sections are controlling.

(b) (1) *Method 1.* Method 1 allows you to measure the increase in your manufacturing materials costs upon the basis of a unit of your business not larger than a plant, or, if you have only one plant, upon the basis of your entire business. Under this method, which is set forth in section 13, you calculate a percentage increase in your manufacturing materials costs upon the basis of net sales and materials put into production during a yearly accounting period. If you make the calculations upon the basis of your entire business, you apply the percentage increase uniformly to all of your commodities. If the calculations are upon the basis of separate units of your business, you apply the percentage increase for each unit uniformly to all of the commodities produced in that unit. There are specific limitations upon the use of this method where you have had significant substitution of materials.

(2) *Method 2.* Method 2 is for an individual commodity and is based upon the increase in your unit manufacturing materials cost for that commodity. Under this method "the materials cost adjustment" will ordinarily differ for each commodity. You should probably use this method, therefore, if the various commodities you produce have had substantially different material cost increases since the end of your base period, or vary widely from each other in the ratio between unit manufacturing materials cost and sales price. This method, however, is more burdensome because it requires a separate calculation for each commodity.

(3) *Method 3.* Method 3 is for a product line and is based upon the increase in your unit manufacturing materials cost for the best selling commodity in the product line. A percentage figure for this increase is derived which is applied to the base period price of each commodity in the product line. This method may be more appropriate than Method 2 if you have a number of closely related commodities whose material cost increases have been about the same.

(4) *Method 4.* Method 4 may also be used for a product line or it may be used for a category. It is based upon the increase in the cost of the bill of materials used in producing the goods sold during an accounting period of three months or less. Like Methods 1 and 3 it yields a uniform materials cost adjustment factor for all commodities in the product line or category. If your records are in a form which permits you to use

this method, you may find it simpler to apply than Method 1.

(c) You may select whichever one of the four methods you consider best suited to the nature of your business and most adaptable to the records you maintain. If you select the first, third, or fourth method, you must use it for each commodity in the particular unit of business involved (or for all of your commodities if your calculations are based upon your entire business), product line or category.

SEC. 12. *Omission of certain manufacturing materials from your calculations.* Under any of the four alternative methods which you use for calculating "the materials cost adjustment" you may omit from your calculations any manufacturing material which is not significant or whose cost to you has not decreased between the prescribed dates. Consequently, a reference to "each manufacturing material" under any of the four methods means each such material you are including in your calculations.

SEC. 13. *Method 1 (Aggregate method).* To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the dollar amount of your net sales for your last fiscal year ended not later than December 31, 1950, for your entire business, or for a unit of your business for which you regularly maintain accounts and in which the commodity being priced is produced. You may not, however, use your entire business for this calculation if you operate more than one plant. Nor may you use a unit of your business which includes the output of more than one plant, although you may use a unit less inclusive than a plant. If you use a unit of your business, you must include in net sales the value of any commodity or material transferred from that unit to another unit of your business. The value shall be that shown in your records. If your records do not show a value, you may not use that unit of your business for making your calculations.

(b) Multiply the physical amount of each manufacturing material which you used during the same fiscal year either in your entire business or in a unit of your business, whichever you are calculating on, by the dollars-and-cents amount of the change in net cost per unit of the material to you between the end of your base period and December 31, 1950. The term "end of your base period" is explained in section 47 (Definitions). For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may include the increase to any current date subject to the limitations in section 21. Before starting to figure the change in net cost per unit of the material, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resuting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. Subtract the total of the decreases from the total of the increases.

(d) Divide the final figure derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. The resulting percentage is referred to as your "materials cost adjustment factor".

(e) Multiply the base period price of the commodity being priced by your materials cost adjustment factor. This will give "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) If you use this section and your calculations are based upon your entire business, the materials cost adjustment factor which you derive must be used for all of your commodities. If your calculations are based upon a particular unit of your business, the materials cost adjustment factor which you derive must be used for all commodities produced in that unit and may not be used for commodities produced in any other unit of your business.

(g) You may not use this section if you have replaced, in any significant degree, the materials used by you during your base period with lower-priced substitute materials. (For example, if you are a manufacturer of rubber automobile tires, and you are now using a significantly larger percentage of synthetic rubber than you did in your base period, you may not use Method 1.)

SEC. 14. *Method 2 (Individual commodity method).* To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the physical amount of each manufacturing material which you normally used in your base period per unit of the commodity being priced.

(b) Multiply this physical amount of each of these manufacturing materials by the change in its net cost per unit to you between (1) the last day of the base period you elected for the commodity being priced and (2) December 31, 1950. For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Before starting to figure the change in net cost, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The commodity you are pricing uses three different manufacturing materials. For each unit of the commodity, you require 5 pounds of material A, 10 pounds of material B, and 1 gallon of material C. Before Korea, material A cost you $1.00 per pound, material B $2.00 per pound and material C $0.50 per gallon. Your net cost per unit of material A on your last invoice before December 31, 1950 was $1.50 and for material B it was still $2.00. Material C is listed in Appendix B; your last invoice prior to March 15, 1951 was $1.00 per gallon. Your increase for material A was, therefore, 5 multiplied by 50 cents (the difference between $1.50 and $1.00) or $2.50. Material B has not changed in price and may, therefore, be omitted. For material C, 1 gallon multiplied by 50 cents equals 50 cents. In addition, the commodity was enameled for you by an outside contractor at a cost of $1.00 per unit before Korea, and the price for the service as of March 15, 1951 was $1.25, a difference of 25 cents. Your materials cost increase for the commodity is, therefore, $2.50 for material A, 50 cents for material C, and 25 cents for the enameling service, or a total of $3.25. This is "the materials cost adjustment".

SEC. 15. *Method 3 (Product line method using best selling commodity).* This method is essentially the same as Method 2 except that the calculations are made for the best selling commodity in a product line. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Select the best selling commodity in the product line of which the commodity being priced is a part.

(1) "Product line" refers to a group of closely related commodities which differ in such respects as style, model or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials. A product line may never be broader than a category and usually will be narrower. The relationship between the commodities will normally be substantially closer in a product line than in a category. For example, stripped, standard and deluxe models of refrigerators are separate product lines, but a single category.

(2) "The best selling commodity" refers to the commodity in a product line which accounted for the greatest dollar volume of sales in the product line in your base period.

(b) Using the best selling commodity, make the calculations prescribed in section 14. This will give "the materials cost adjustment" for the best selling commodity, i. e., the amount to be added to its base period price.

(c) Divide "the materials cost adjustment" by the base period price of the best selling commodity. The resulting percentage is referred to as your "materials cost adjustment factor."

(d) Apply your materials cost adjustment factor to the base period price of each commodity in the product line. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price of that commodity in accordance with section 3 (a).

(e) If you use this section it must be used for each commodity in the product line for which you have made your calculations.

Example: You have three commodities in a product line, whose base period prices were $8, $10 and $12, respectively. The best selling item was the $10 commodity. "The materials cost adjustment" for that commodity calculated under section 14 was $2, or 20 percent. "The materials cost adjustment" for the $8 commodity is, therefore, 20 percent of $8, or $1.60, and for the $12 commodity, 20 percent of $12, or $2.40.

SEC. 16. *Method 4 (Composite bill of materials method).* Under this method you make your calculations for the increase in your manufacturing materials cost for a product line or a category. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the total net sales of all commodities in the product line or category for your last complete accounting period of three months or less ended not later than the last day of your base period (or if your base period is April 1 through June 24, 1950, ended not later than June 30, 1950). You must include in net sales the value, as shown in your records, of any transfer of a commodity in that product line or category to another unit of your business. If your records do not show a value, you may not use this section for that product line or category.

(b) Find the total physical amount of each manufacturing material used in producing the commodities in that product line or category sold in that accounting period. (Note that, in contrast to Method 1, you find here the physical bill of materials used in producing the goods sold in a short accounting period; while, under Method 1, you find the aggregate quantities of materials used, i. e., put into the production process, in an annual accounting period).

(c) Multiply this total physical amount by the dollars-and-cents change, between (1) the end of your base period and (2) December 31, 1950, in net cost to you per unit of the material used. For any material listed in Appendix B you may figure the change to March 15, 1951 and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Add together the resulting figures which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is your increase in manufacturing materials cost. Before starting to figure the change in net cost you should read carefully the instructions contained in sections 17 through 23.

(d) Divide your increase in manufacturing materials cost derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. This percentage is referred to as your "materials cost adjustment factor."

(e) Apply your materials cost adjustment factor derived under paragraph (d) of this section to the base period price of the commodity being priced. The resulting figure is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) You may use this section only if you use it for each commodity included in the product line or category.

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

SEC. 17. *General nature of these instructions.* Section 18 will apply to your calculations irrespective of which of the four alternative methods you use. Sections 19 through 23 may be applicable to you depending upon whether you are covered by certain described situations which are briefly indicated by the section heading and opening sentence of the section.

SEC. 18. *How to compute the net cost to you of a manufacturing material as of a prescribed date.* Under any of the four alternative methods you may use for calculating "the materials cost adjustment," you must figure the change, between prescribed dates, in the net cost to you per unit of each manufacturing material included in your calculations. (The earlier "prescribed date" is June 24, 1950, or another date depending on the base period you elected. The later "prescribed date" is December 31, 1950, March 15, 1951 or a current date as permitted by section 21). To determine the net cost to you per unit of a manufacturing material as of a prescribed date, you use the *first* of the following prices available to you. In no event may the price you use be in excess of the ceiling price under a ceiling price regulation in effect on the date of issuance of this regulation. If you use paragraphs (c), (d), (e), (f), (g) or (h) of this section, you must disregard any price based upon a departure from your normal buying practices. Such a departure would include quantities smaller than those you usually purchase or contract for, or use of a more distant or different class or supplier (other than the United States), or use of subcontracted industrial services in an amount in excess of that used in your base period. For example, you must disregard any price based upon a change in your source of supply from a manufacturer to a reseller or warehouseman or from a domestic to a foreign source of supply. Likewise, you must disregard any price which is based upon a purchase of conversion steel, except as permitted in section 44.

[Above paragraph amended by Amdt. 10]

(a) The exchange quotation for the nearest monthly contract as of the close of business on the prescribed date (or the nearest preceding date for which such a quotation is available) for any commodity traded regularly upon a commodity exchange operating under the jurisdiction of the Commodity Exchange Authority or the Sugar Exchanges and you must use the quotation for both of the prescribed dates. Also you must use the same commodity exchange for both of the prescribed dates. If the commodity is one which is not itself quoted on such an exchange, but another grade of that commodity is so quoted, you may use the exchange quotation for such other grade provided you do so for both of the prescribed dates.

(b) The selling price for rubber as of the prescribed date established by an agency of the United States Government.

(c) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. If, however, the delivery was received more than 30 days prior to the prescribed date or was pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date, you may not use this paragraph (c). If within 30 days prior to each of the applicable prescribed dates, you received more than one delivery of the same manufacturing material, you must use an average price for each such date. You obtain this average price by dividing the net amount you paid for all deliveries of the material during each of the 30-day periods by the total number of units of the material delivered to you during each period. In obtaining this average price you should not include any delivery made pursuant to a contract bearing a firm price entered into more than sixty days prior to the prescribed date. The average price for each period is the price you use for each of the respective prescribed dates. The term "30 days" as used in this paragraph means either a period of 30 consecutive days or an accounting month customarily used by you, provided that it is the last accounting month terminating not later than the applicable prescribed date. Where the applicable prescribed date is June 24, 1950 you may use an accounting month terminating not later than June 30, 1950.

[Paragraph (c) amended by Amdt. 3]

(d) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date, provided that it was entered into not more than 60 days prior thereto.

(e) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date provided that the offer was made within 60 days prior to the prescribed date and that you still have the written offer or obtain a copy of it from the offerer.

(f) The net price per unit of the material shown on the invoice for the last delivery of the material to you. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect the appropriate change in your cost of any material.

[Paragraph (f) added by Amdt. 10]

(g) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

[Paragraph (g) added by Amdt. 10]

(h) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date, provided that you still have the written offer or obtain a copy of it from the offeror. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

[Paragraph (h) added by Amdt. 10]

(i) If none of the foregoing is available to you for one or both of the appli-

cable prescribed dates, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an appropriate increase in the cost of the manufacturing materials for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the commodity being priced and the manufacturing material; you must propose the amount of increase per unit of the manufacturing material you consider appropriate based upon what you would have paid for the material if you had purchased it on each of the applicable prescribed dates; you must set forth in detail supporting reasons and why this paragraph is applicable. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

[Paragraph (i) formerly Par. (f); amended by Amdt. 3, redesignated by Amdt. 10]

SEC. 19. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3, or 4 for calculating "the materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, March 15, 1951, or a current date, whichever date is applicable, of the physical amounts of the materials normally used by you now. The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2, and to a unit of the best selling commodity in the case of Method 3. Since this calculation cannot be made accurately under Method 1 (section 13), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period, you may use Method 1, but without making any allowance for the higher cost of the substitute material.

[Sec. 19 amended by Amdt. 3]

SEC. 20. *Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.* If a quotation, invoice, contract, or written offer which you use under section 18 did not include transportation costs for delivery of the material to you, you may add the actual amount of the transportation costs which you paid or would have paid for delivery of the material to you, provided that you include them in your determination of the net price of the material as of both dates.

SEC. 21. *Calculation of the increase in net cost per unit of materials covered by Appendix C*—(a) *General description of this section.* You will be concerned with this section only if a manufacturing material you propose to include in your calculations of "tne materials cost adjustment" is one of the agricultural commodities listed in Appendix C or a product processed therefrom. Appendix C lists certain agricultural commodities selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950. The following paragraphs of this section contain, among other things, special instructions relating to the particular dates to be used in your calculations of cost increases of these commodities.

(b) *Calculation by manufacturers of food products.* If the commodity you are pricing is a food product you may, subject to the limitations in paragraph (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, or of any food products processed from these listed agricultural commodities.

[Paragraph (b) amended by Amdt. 16]

(c) *Calculation by manufacturers of non-food products.* (1) If the commodity you are pricing is a non-food product you may, subject to the limitations in paragraph (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, but you must use March 15, 1951, as the date for figuring the change in net cost per unit of any products processed from those listed agricultural commodities.

[Paragraph (c) amended by Amdt. 16]

(2) If the commodity you are pricing is made in whole or in substantial part from a product processed from a listed agricultural commodity, and you believe that the increase in cost to you, since March 15, 1951, of that processed product is due to an increase in the price of the listed agricultural commodity, you may apply to the Director of Price Stabilization for permission to adjust your ceiling price to reflect that increase in price. Your application must describe the commodity being priced and specify its ceiling price; and must contain a statement based upon a report from your supplier as to what portion of the increase in his price to you of that processed product is directly attributable to the increase in price of the listed agricultural commodity. If the Director of Price Stabilization is satisfied that the information submitted by you shows that only the amount of the increase in price of the listed agricultural commodity is reflected in the adjustment you seek, he will approve your application. If, however, he is not satisfied that you have made such a showing, he may withhold approval of your application and require that you furnish additional information. If thirty days after mailing your application you have not received a reply from the Director of Price Stabilization, you may sell at the adjusted ceiling price you propose until such time as you are notified otherwise by the Director.

(d) *Limitations on calculations by all manufacturers; removal from listing.* After you have made your first calculations under this section, you may become entitled to increase the ceiling price of the commodity being priced, if the cost to you of a listed agricultural commodity (or product processed therefrom) has increased. However, in any event, you may not, in figuring the change in net cost of a listed agricultural commodity (or product processed therefrom), use any date subsequent to the date of deletion of the listed agricultural commodity from Appendix C by the Director of Price Stabilization.

[Paragraph (d) amended by Amdt. 16]

(2) *Removal from listing.* You may not, in figuring the change in net cost of a listed agricultural commodity or product processed therefrom use any date subsequent to the date of deletion of the listed agricultural commodity from Appendix C by the Director of Price Stabilization or any date more than five days subsequent to the date upon which the Secretary of Agriculture announces for the agricultural commodity, by publication in "Agricultural Prices," a price which equals or exceeds both (i) the parity price as set forth in the same publication and (ii) the highest price received by producers of the agricultural commodity during the period May 24 to June 24, 1950, inclusive, both as determined and adjusted by him.

(e) *Definition of "food product".* The term "food product" refers to a commodity used for, or as an ingredient in, food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound; and fats and oils used for cooking purposes or in the preparation of food for immediate consumption.

(f) *Special provisions for cooperatives, producer-processors, etc.* (1) This subparagraph applies to you if you are a producer-processor, and you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraphs (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case, calculate your "materials cost adjustment" as follows: For purposes of paragraphs (b) or (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make

the report required by paragraph (g) before increasing your ceiling price.

(2) This subparagraph applies to you if you are a processor who purchases the listed agricultural commodity under "open" price or deferred payment contracts which relate the price you pay the producer to facts unknown both at the time the raw agricultural commodity is delivered to you and at the time of sale of the processed product, and you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity at prices finally determined at the time of sale. In that case calculate your "materials cost adjustment" as follows: For purposes of paragraph (b) or (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) of this section before increasing your ceiling price.

(3) This subparagraph applies to you if you are a producer-owned cooperative processor, and you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation. You may not, however, increase your ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) of this section before increasing your ceiling price.

[Paragraph (f) amended by Amdts. 2 and 16]

(g) *Required report.* You may not increase your ceiling price under the provisions of this section above that price initially determined pursuant to the provisions of this regulation unless and until you place in the mail a registered letter, addressed to the Director of Price Stabilization, Washington 25, D. C., containing the following information:

(1) If it is not necessary for you to use section 21 (f) in determining your ceiling prices, you report:

(i) Your existing ceiling price and the description of the commodity.

(ii) The paragraph number in section 18 of this regulation under which you compute your net cost for the manufacturing material, or a designation of the other section under which you compute your net cost.

(iii) The net cost per unit of material, determined under the section mentioned in subdivision (ii) of this subparagraph, used in calculating your last ceiling price under this regulation.

(iv) The net cost per unit of material, determined under the section mentioned in subdivision (ii) of this subparagraph, for the current date.

(v) The increased ceiling price.

(2) If you are a processor who uses either section 21 (f) (1) or (2) in determining your ceiling prices, you report:

(i) The name and address of your nearest competitor selected pursuant to section 21 (f) (1) or (2).

(ii) Your existing ceiling price.

(iii) Your nearest competitor's net cost per unit (for the material) last used by you in calculating under this section 21.

(iv) Your nearest competitor's net cost per unit (for the material) on the current date.

(v) The increased ceiling price.

(3) If you are a processor who uses section 21 (f) (3) in determining your ceiling prices, you report:

(i) The amount retained by you per unit of the processed commodity sold in the last normal accounting period before the end of your base period.

(ii) The amount passed back to producers per unit of the processed commodity sold in the last normal accounting period before the end of your base period.

(iii) The amount retained by you per unit of the processed commodity sold in the most recent normal accounting period.

iv) The amount passed back to producers per unit of the processed commodity sold in the most recent normal accounting period.

[Paragraph (g) amended by Amdt. 16]

SEC. 22. *How to calculate "the materials cost adjustment" for joint products or by-products.* This section will concern you only if you manufacture joint products or by-products. If two or more commodities result from the same manufacturing operation or from common materials and you are unable to compute the unit manufacturing materials costs for each under section 14, you calculate "the materials cost adjustment" for each as follows:

(a) Establish an appropriate combined unit of production in which are represented the several commodities in the proportions in which they result from the same manufacturing operation or from common materials. (For example, if a manufacturing operation yields, for each ton of commodity A produced, 3 gallons of commodity B and 520 pounds of commodity C, your combined unit of production could be: one ton of A, three gallons of B and 520 pounds of C; or one gallon of B, ⅓ ton of A and 173.3 pounds of C; or any other combination in which the proportions among the three commodities are maintained.)

(b) Find the dollar value of the combined unit of production using base period prices for each commodity, determined in accordance with section 3. (If the base period price for commodity A was $10 per ton, for commodity B was $1 per gallon and for commodity C was $0.10 per pound, the dollar value of the combined unit of production would be $65 under the first example in (a) above and $21.67 under the second example in (a) above.)

(c) Using the same calculations as in section 14 (substituting, of course, the combined unit of production for the unit referred to therein), compute the increase in manufacturing materials cost per combined unit of production.

(d) Divide the increase in manufacturing materials cost per combined unit of production by the dollar value of that unit as determined under paragraph (b) of this section.

(e) Apply this percentage to the base period price of each of the commodities being priced. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The total increase in manufacturing materials cost for the combined unit of production illustrated in paragraph (b) above, calculated in accordance with section 14, is $13. $13 divided by $65 is 20 percent. Consequently, "the materials cost adjustment" for commodity A is 20 percent of $10, or $2 per ton; for commodity B is 20 percent of $1, or 20 cents per gallon; and for commodity C is 20 percent of $0.10, or 2 cents per lb.

SEC. 23. *How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.* (a) You will be concerned with this section if you are a multi-unit organization and in your operations you transfer products for further processing or assembly between units of your business for which you regularly maintain separate records. By way of illustration, such transfers may be between departments, plants, branches or divisions. This section deals specifically with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing the commodity being priced. Such a manufacturing material (which is referred to as a "transferred material") may also be sold to other persons. This section provides three methods for figuring the change in cost of a transferred material in your calculation of "the materials cost adjustment" for the commodity being priced. The method you use depends first on how you calculated "the labor cost adjustment" for the commodity being priced and second, on whether you also sell the transferred material to other persons.

(b) If you calculated "the labor cost adjustment" for the commodity being priced upon the basis of your entire business or of a unit of your business that included the unit in which the transferred material is produced, you may not in calculating the change in cost of that material include any increase in factory labor cost. Your calculation of the change in cost of the transferred material will therefore only take into account changes in the costs of the manufacturing materials directly related to the transferred material. Such change in cost of the transferred material will be included in your calculation of "the material cost adjustment" for the commodity being priced.

(c) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if the transferred material is one you sell to other persons, you calculate its change in cost as follows:

(1) Find its base period price (i. e., to your largest buying class of purchaser).

(2) Find its ceiling price under this regulation to your largest buying class of purchaser, or if it is listed in Appendix A, its ceiling price under the applicable ceiling price regulation.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in the cost of the transferred material which you use in calculating "the materials cost adjustment" for the commodity being priced.

(d) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if that material is not one you sell to other persons you calculate its change in cost as follows:

(1) Find the value as shown in your records at which the transferred material was transferred, last prior to the end of your base period (i. e., the base period for the commodity being priced), to the unit of your business in which the commodity being priced is produced.

(2) Using that transfer price as your base period price, determine what the ceiling price would be under this regulation, or such other regulation as would be applicable.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in cost of the material to be used in calculating "the materials cost adjustment" for the commodity being priced.

Example: You are pricing a camera the lens for which you produce. The following paragraphs illustrate the application of the three methods prescribed in section 23.

(a) You have treated the department in which the camera is assembled and the department in which the lens is produced as a single unit in computing "the labor cost adjustment" for the camera. You purchase on the outside the optical glass used in the lens. "The materials cost adjustment" for the camera may include, as far as the lens is concerned, only the change in cost of the purchased optical glass.

(b) In calculating "the labor cost adjustment" for the camera you used only the assembly department. You also sell the lens to others and calculated "the labor cost adjustment" for the lens upon the basis of the lens department. Therefore, in calculating "the materials cost adjustment" for the camera, the change in cost of the lens will be the difference between your ceiling price for the lens under this regulation to your largest buying class of purchaser, and your base period price for the lens to that class of purchaser.

(c) Assume the same facts as in (b) except that you produce the lens exclusively for your own use. You must compute what the ceiling price for the lens would be under this regulation, using the value at which the transfer between departments was made on your books last prior to the end of the base period. The difference between your computed ceiling price and your base period transfer value is the amount you use in calculating "the materials cost adjustment" for the camera.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

SEC. 24. *General nature of these provisions.* Sections 25 through 29 relate to adjustments of your ceiling prices under certain circumstances. Section 25 relates to rounding ceiling prices. Section 26 relates to retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent. Section 27 requires that you reduce your ceiling prices to reflect any increase in the value of scrap or waste material generated in your manufacturing processes. Section 28 permits you to adjust your ceiling prices quoted on a delivered basis for certain increases in transportation costs. Section 29 provides an optional method for adjusting your ceiling prices for commodities manufactured in more than one of your plants.

SEC. 25. *Rounding ceiling prices.* You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cents or fraction of cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for commodity A is 21.20 cents, you may round that ceiling price to 21¼ cents. However, if your ceiling price for commodity B is 27.30 cents you must round its ceiling price to 27¼ cents.

SEC. 26. *Retention of GCPR ceiling price where the change in price is less than 1 percent.* If your ceiling price for a commodity as determined under section 3 differs by less than 1 percent from that under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price. However, you may use this section only if you apply it to all your ceiling prices determined under section 3 differing by less than 1 percent from the GCPR ceiling prices, regardless of whether decreases or increases result. For example, your GCPR ceiling price for commodity A is $10 and your ceiling price under section 3 is $9.95. Your GCPR ceiling price for commodity B is $8 and your ceiling price under section 3 is $8.05. You may continue to use $10 as your ceiling price for commodity A, but if you do so you must continue to use $8 as your ceiling price for commodity B.

SEC. 27. *Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material.* (a) You will be concerned with this section if in the manufacturing process relating to the commodity being priced you generate any scrap or waste material which you sell to other persons or which is transferred from one unit of your business to another, and if, between the end of your base period and March 15, 1951, there has been an increase in the value of such scrap or waste material. However, you need not make the adjustment called for in this section unless your sales of scrap or waste material are significant. They will be considered significant if, for the plant or other unit of your business in which the commodity being priced is produced, the value of your sales or transfers of scrap or waste material exceeded 3 percent of the total value of your sales or transfers of all commodities from that plant or unit during your most recent fiscal year ended not later than December 31, 1950.

(b) In the circumstances described in paragraph (a) of this section where your sales of scrap or waste material are significant you must make an appropriate reduction in the ceiling prices for each of the commodities resulting from your manufacturing process to reflect the dollars-and-cents amount by which the value of the scrap or waste material generated in the manufacturing process has increased between the end of your base period and March 15, 1951. In calculating this increase in value you should use a method comparable to the one you employed for your calculation of "the materials cost adjustment" for the commodity being priced. For instance, if you used Method 2 (section 14) you should calculate the increase in value of your scrap or waste material per unit of the commodity being priced; if you used Method 1 (section 13) you should calculate the increase in value of your scrap or waste material by an aggregate method. The resulting dollars-and-cents amount reflecting the increase in value of your scrap or waste material per unit must be subtracted from your ceiling price as otherwise determined under this regulation.

SEC. 28. *Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.* If your base period price was, and therefore your ceiling price is, a delivered price, you may adjust your ceiling price to reflect any increase, between the end of your base period and March 15, 1951, in transportation costs incurred by you (not including warehousing charges). You may include in this adjustment only increases resulting from transportation charges paid by you to other persons

(excluding any person who is an employee, subsidiary or affiliate of yours or of whom you are a subsidiary or affiliate). This adjustment is made in the following manner:

(a) Where your base period price for the commodity being priced included full transportation costs from point of shipment to point of delivery, you may adjust your ceiling price by the exact amount of the increase in transportation rates to you between such points, charged by the same carrier or class of carrier for the same class of transportation. You may not include any increase due to changing the class of carrier (e. g., from water or highway to rail) or to changing your customary method or quantity of shipment.

(b) Where your base period price was uniform within defined geographical zones but you maintained an established differential between each zone, you may calculate a transportation cost increase adjustment to be applied to the ceiling price for sales to each zone. This calculation is made in the following manner:

(1) Find the average transportation charge paid by you for deliveries of the commodity being priced to each zone during your last accounting period of not less than three months, ended not later than the end of your base period. If your base period is April 1 through June 24, 1950, you should use your last accounting period of not less than three months, ended not later than June 30, 1950.

(2) Find what the average transportation charge paid by you for deliveries of that commodity to each zone would be, using the transportation rates actually in effect on March 15, 1951.

(3) The dollars-and-cents amount of the difference between the average transportation charge found under (2) and that found under (1) for each zone may be added to your ceiling price for sales to that zone.

(c) Where your base period price was uniform for all sales of the commodity being priced to any destination within the United States, you may calculate a single transportation cost increase adjustment to be applied to the ceiling price for all sales within the United States in the same manner as under paragraph (b) of this section, treating the United States as a single zone.

SEC. 29. *Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.* If the commodity being priced is manufactured in more than one of your plants and is customarily sold by you at a uniform price, but in adjusting the base period price for each plant different ceiling prices result, you may compute a uniform ceiling price. To do this, you first determine the ceiling price for each plant and multiply it by the number of units of the commodity sold from that plant during the last quarter of 1950. You then divide the total dollar amount of such sales from all plants by the total number of units sold from all plants. The resulting figure is your uniform ceiling price for the commodity. If sales from any of your plants in the last quarter of 1950 were not substantial, you may use the last three consecutive months of substantial sales in 1950, provided that you use the same period for all your plants.

Example: You are producing the same commodity in two plants, and customarily charge the same price from each. However, due to a difference in your wage rate changes, your ceiling price for plant A is $2.00, and for plant B is $2.10. Sales during the last quarter of 1950 were 1500 units from plant A, and 1000 units from plant B. 1500 multiplied by $2.00 is $3,000; 1000 multiplied by $2.10 is $2,100; 1500 plus 1000 is 2500; $3,000 plus $2,100 is $5,100; $5,100 divided by 2500 is $2.04. You may therefore use the uniform ceiling price of $2.04 for sales from both plants.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

SEC. 30. *Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regulation*—(a) *Ceiling price for a commodity first offered for sale between June 25, 1950, and the day prior to the effective date of this regulation.* The ceiling price for a commodity first offered for sale by you between June 25, 1950 and the day prior to the effective date of this regulation, differing from a commodity you dealt in during the period July 1, 1949 to June 24, 1950, only by reason of a minor change in design or construction which does not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced. If the new commodity differs from the previous commodity only by reason of the use of a substitute material the new commodity must be priced under section 3.

[Paragraph (a) amended by Amdt. 6]

(b) *Ceiling price for a commodity first offered for sale on or subsequent to the effective date of this regulation.* The ceiling price for a commodity first offered for sale by you on or subsequent to the effective date of this regulation, differing from a commodity for which your ceiling price is established under this regulation only by reason of minor changes in material, design or construction which do not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity as established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced.

[Paragraph (b) amended by Amdt. 6]

SEC. 31. *Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity.* This pricing method may be used in place of section 32 under the circumstances indicated herein. If you wish to use your base period price for a packaged commodity as your ceiling price and to reduce the size or quantity of that commodity to reflect any permissible cost increases since the end of your base period, you may do so in the following manner:

(a) Determine your ceiling price for the commodity in its base period size or quantity.

(b) Calculate the ratio between your base period price for the commodity and your ceiling price.

(c) Apply this ratio to the base period size or quantity of the commodity. The resulting size or quantity is the minimum for which you may use your base period price as your ceiling price.

Example: Your base period price for a 10-ounce package of commodity A was 25 cents and you wish to retain that price as your ceiling price. Your ceiling price for a 10-ounce package of commodity A as determined under this regulation is 30 cents. 25 cents divided by 30 cents is 83.3 percent. 10 ounces multiplied by 83.3 percent is 8 and one-third ounces. Your ceiling price for a package of commodity A containing not less than 8 and one-third ounces is therefore 25 cents.

SEC. 32. *Ceiling prices for new commodities falling within categories dealt in during your base period*—(a) *Description of the pricing method.* This section deals with a commodity which cannot be priced under sections 3 or 30, but which falls within a "category" in which you dealt during your base period. You determine your ceiling price by applying to the current unit direct cost of that commodity the percentage markup over the current unit direct cost of a "comparison commodity" (using your ceiling price for the comparison commodity under this regulation), in accordance with the following instructions.

(b) *Current unit direct cost.* "Current unit direct cost" as used in this section means the sum of the amounts (not higher than permitted by law) which it costs you, or if you are not currently producing it, would cost you for direct labor and materials to produce the commodity at the time you use the pricing method provided by this section. Current unit direct materials cost shall be computed upon the basis of current replacement prices for materials and current unit direct labor cost shall be computed upon the basis of current wage rates for direct labor. The method used in computing current unit direct materials cost and current unit direct labor cost for the new commodity and for the comparison commodity shall be the same in every respect.

(c) *Selection of a comparison commodity.* The comparison commodity to be used must be in the same category as the commodity being priced and shall be the first of the following which is available to you:

(1) A commodity dealt in during your base period differing from the commodity being priced only by reason of a minor change in size or quantity or of packaging.

(2) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and which has current unit direct cost the same or lower than that of the commodity being priced.

(3) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be the same or lower than that of the commodity being priced.

(4) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and whose current unit direct cost is next higher to that of the commodity being priced.

(5) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be next higher to that of the commodity being priced.

(d) *Calculations to determine your ceiling price.* Having selected the appropriate comparison commodity, you determine your ceiling price as follows:

(1) Determine your ceiling price for sale of the comparison commodity to your largest buying class of purchaser if you are now manufacturing it, or what it would be if you are no longer manufacturing it, using either sections 3 or 30 of this regulation, whichever is applicable.

(2) Determine the current unit direct cost of the comparison commodity, if you are now manufacturing it, or what it would be, if you are no longer manufacturing it.

(3) Subtract the current unit direct cost derived under (2) from the ceiling price derived under (1). This will give the gross dollar margin over current unit direct cost for the comparison commodity.

(4) Divide this gross dollar margin over current unit direct cost by the current unit direct cost of the comparison commodity. This will give the percentage markup over current unit direct cost for the comparison commodity.

(5) Apply this percentage markup to the current unit direct cost of the commodity being priced. This is your ceiling price for sale of that commodity to your largest buying class of purchaser. It must be consistent in every respect with the ceiling price for the comparison commodity, i. e., it must carry your customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale. Your ceiling price for sale of the commodity to each of your other classes of purchasers shall be determined in the same manner as under section 3 (c).

Example: (i) Your comparison commodity is one you are no longer manufacturing. You find that its ceiling price under this regulation would be $10. (ii) The current unit direct cost of the comparison commodity would be $6. (iii) $6 subtracted from $10 is $4. This is the current gross dollar margin over direct cost for the comparison commodity. (iv) $4 divided by $6 is 66.7%. This is the percentage margin over direct costs for the comparison commodity. (v) The current unit direct cost for the commodity being priced is $7.50. 66.7% of $7.50 is $5.00. $7.50 plus $5.00 is $12.50. This is your ceiling price for the commodity being priced.

(e) *Category.* Category means a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. Section 46 of this regulation continues in effect certain provisions of section 16 of the General Ceiling Price Regulation which among other things prescribes that you must prepare and preserve a list of your categories. If the list you have prepared is not representative of your categories during your base period for this regulation, you should prepare such a list by the effective date of this regulation and thereafter preserve it. In applying the pricing provisions of this section, you should refer to it. You might, for example, have a category such as one of the following; desks, office, steel; desks, office, wood; dishwashers, domestic; ranges, domestic, electric; ranges, domestic, gas; refrigerators, household; room air conditioner to 1 h/p; vacuum cleaners, domestic; washing machines, domestic.

[Paragraph (e) amended by Amdt. 6]

(f) *Required report.* (1) Before selling any commodity for which you have determined a ceiling price under this section, except as permitted under subparagraph (2) below, you must file the report required by paragraph (g) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition you may not sell the commodity until 15 days after mailing your report; thereafter you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(2) You need not prepare or file the report required by paragraph (g) of this section with the Director of Price Stabilization, if total net sales of the commodity required to be priced under this section are not expected to exceed ten thousand dollars in value; but no sales of the commodity which would result in its total net sales equaling or exceeding ten thousand dollars in value may be made until after a report has been filed. Appropriate records and work sheets relating to the computation of your ceiling prices must be preserved as prescribed in section 46.

[Subparagraph (2) added by Amdt. 3]

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 15 days after the effective date of this regulation.

[Paragraph (f) amended by Amdt. 3]

(g) *Information required in report.* Your report should state the name and address of your company; a description of the commodity being priced; the comparison commodity and an explanation why you have selected the comparison commodity as such; a description of the category in which the commodity being priced and the comparison commodity fall; your ceiling price to the largest buying class of purchaser of your comparison commodity, or if you are not now manufacturing it what this ceiling price would be; a detailed breakdown of the current unit direct cost of the comparison commodity, or what it would be; the gross margin, and the percentage markup over current unit direct cost for the comparison commodity; a detailed breakdown of the current unit direct cost of the commodity being priced; the ceiling price of the commodity being priced; delivery, discount, guaranty and servicing terms and conditions and differentials in effect for sales to purchasers of various classes with respect to the comparison commodity.

SEC. 33. *Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser.* (a) (1) If you are pricing a commodity which is in a different category from any dealt in by you between July 1, 1949 and June 24, 1950, or which you are selling to an entirely new class of purchaser as referred to in section 3 (c), your ceiling price is the same as the ceiling price under this regulation of your most closely competitive seller of the same class selling the same commodity to the same class of purchaser. A ceiling price so determined must be in line with the level of ceiling prices otherwise established by this regulation.

[Paragraph (1) amended by Amdt. 10]

(2) Before selling any commodity for which you have determined a ceiling price under this section, you must file the report required by paragraph (b) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition, you may not sell the commodity until 15 days after mailing your report; thereafter, you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 30 days from the date this regulation becomes effective for your most closely competitive seller of the same class selling the same commodity to the same class of purchaser or 30 days from the date this regulation becomes effective as to you, whichever is later.

[Paragraph (3) amended by Amdt. 6]

(b) *Required report.* Your report should state the name and address of your company; the new categories in which the commodities fall and the most comparable categories dealt in by you during the base period; the name, address and type of business of your most closely competitive seller of the same class; a statement of his ceiling price and his differentials to each of his classes of purchasers; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are selling to an entirely new class of purchaser, a description of such class of purchaser. If you are starting a new business, you should include a statement whether you or the principal owner of your business are now or during the past 12 months have been engaged in any capacity in the same or a similar business at any other establishment, and, if so, the trade name and address of each such establishment. Your report should include the following: Your proposed ceiling price and the specifications of the commodity you are pricing; the manufacturing process involved; a detailed breakdown of your unit direct costs; the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation; and the types of customers to whom you will be selling.

MISCELLANEOUS PROVISIONS

SEC. 34. *Sellers who cannot price under other sections.* (a) If you claim that you are unable to determine your ceiling price for a commodity under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all of the information called for under section 33 to the extent you are able to furnish it; and the method used by you to determine your proposed ceiling price. You may not sell the commodity until the Director of Price Stabilization notifies you, in writing, of your ceiling price, except as permitted in paragraphs (b) or (d).

[Paragraph (a) amended by Amdts. 3 and 6]

(b) If your ceiling price was determined under section 7 of the General Ceiling Price Regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use that ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved, or that more information is required.

[Paragraph (b) added by Amdt. 3]

(c) If your ceiling price under the General Ceiling Price Regulation was established under section 7 of that regulation by letter order of the Director of Price Stabilization, you need not repeat in your application for a price under this section any information which you have already submitted to the Director of Price Stabilization and which, in the light of the requirements of paragraph (a) of this section, is still accurate.

[Paragraph (c) added by Amdt. 3]

(d) If your ceiling price was determined under section 3 of the General Ceiling Price Regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use your ceiling price as so determined until notified by the Director of Price Stabilization of your ceiling price under this section.

[Paragraph (d) added by Amdt. 6]

SEC. 35. *Export sales.* Your sales for export are subject to the provisions of this regulation.

SEC. 36. *Excise, sales, and other similar taxes*—(a) *Where the tax is included in your base period price.* If your base period price for a commodity you are using to determine your ceiling price either for that commodity or another commodity includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from your base period price. Your base period price, with any such tax so excluded, may then be used in making any appropriate computations for determining your ceiling price. After completing the computations, you may then add on the appropriate amount of any such tax for inclusion as part of your ceiling price. In the case of any increase in such a tax subsequent to the end of your base period, you may include the appropriate amount of any such increase as part of your ceiling price. Likewise, in the case of any similar tax first imposed subsequent to the end of your base period and included in your selling price thereafter, you may include the appropriate amount of such tax as part of your ceiling price.

(b) *Where the tax is separately stated and collected.* In addition to your ceiling price determined under this regulation, you may collect the amount of any excise, sales or other similar tax paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar commodities. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, or of any increase in such a tax subsequent to the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 37. *Prohibition against redetermination of ceiling prices.* Once you have reported your ceiling price or proposed ceiling price for a commodity, as required by this regulation, you may not thereafter redetermine a higher ceiling price, except for the following reasons and upon compliance with the conditions specified:

(a) Increase in cost of agricultural commodities or products processed therefrom in accordance with section 21 of this regulation.

(b) Changes affecting the computation of ceiling prices resulting from amendment, supplement, revision or official interpretation of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 and such redetermination may reflect only the factors covered by the amendment, supplement, revision or official interpretation.

(c) Extension of the effective date of this regulation pursuant to Amendment 6 of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 by July 2, 1951.

(d) Where the base period price is used as the ceiling price without making the calculations of either of the adjustments (labor cost adjustment or materials cost adjustment) or where the ceiling price is the base period price plus only one of the adjustments. Such a redetermination shall be made by filing an amended Public Form No. 8 showing the omitted calculated adjustment or adjustments and it may reflect only the adjustment or adjustments not calculated in the filed unamended Public Form No. 8.

(e) Purely arithmetical errors, however, may be corrected at any time, but the corrections must be reported to the Director of Price Stabilization.

(f) The filing of an amended Form No. 8 under this section is subject to the provisions of section 48 of this regulation.

[Section 37 amended by Amdt. 10]

SEC. 38. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation. Such downward revisions may, of course, be accompanied by upward revisions—as in a case where the Director of Price Stabilization requires an apportionment of the "materials cost increase" for a unit of your business to avoid any inequities resulting from the application of sections 13 or 16.

[Sec. 38 amended by Amdt. 3]

SEC. 39. *Recalculation of ceiling prices and announcement of "materials cost increase factors".* The Director of Price Stabilization expects in due course to issue an amendment to this regulation providing for a recalculation of your ceiling prices hereunder. The primary purpose of this recalculation would be to reflect more accurately the materials prices established by this and other ceiling price regulations. The Director of Price Stabilization may also from time to time announce "materials cost increase factors" for certain materials in order to provide greater uniformity in the calculation of their change in price since the end of your base period. These factors will be percentage figures based on studies of some categories of important basic materials and parts. If such a factor is announced, it must be used in place of any change you have had in the price of the material covered by the factor, regardless of whether the factor is higher or lower. These "materials cost increase factors" may be an-

nounced by amendments or by supplementary regulations to this regulation.

SEC. 40. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a commodity at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 41. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

SEC. 42. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate.

SEC. 43. *Adjustment of ceiling prices where over-all loss in operations results.* (a) This section permits you to apply for an upward adjustment of your ceiling prices established by this regulation, if as a result of these ceiling prices, you would operate at a loss.

(b) You may apply under this section if:

(1) Your total manufacturing operations have been conducted at a net loss for a period of operation under this regulation of at least one month, or would have been conducted at a loss if you had manufactured the commodities covered by this regulation in your customary quantities and proportions:

(2) The loss was attributable to the level of prices established by this regulation, and not to any of the following:

(i) Seasonal, non-recurring or temporary factors affecting your operations; or

(ii) A reduction in volume of production below the normal economical capacity of your plant; or

(iii) The payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials; or

(iv) The incurring of factory overhead costs or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(v) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from the transactions which you have customarily had with such affiliated corporations or businesses; or

(vi) Reserves for contingencies.

(3) The adjusted prices for which you apply will not be substantially out-of-line with the ceiling prices for similar commodities established for other sellers under this regulation.

(c) If you make application under this section, you must supply:

(1) Your name, address, a description of your manufacturing facilities and of the commodities you manufacture, a statement of the principal types of customers to whom you sell;

(2) A detailed annual profit and loss statement for your firm for the years 1946 through 1949, and both an annual profit and loss statement, and if you regularly prepare them, quarterly profit and loss statements covering the year 1950 and each quarter since then;

(3) A detailed profit and loss statement covering a period of operations of one month or more under this regulation, together with a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation;

(4) For commodities covered by this regulation, either (i) a statement of your base period and ceiling prices to your largest buying class of purchaser (including delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale) and a schedule of your price differentials to your other classes of purchasers; or (ii) a copy of the report required and submitted to the Office of Price Stabilization; together with (iii) a statement of the section or sections under which you established your ceiling prices.

(5) A showing that the loss in your current operations was not due to any of the six factors in paragraph (b) (2) of this section.

(6) A list of your principal competitors, and a statement of their ceiling prices under this regulation for commodities similar to yours, together with data showing the past relationship of your prices to those they have charged for the same or similar commodities;

(7) A proposed schedule of adjusted ceiling prices for commodities covered by this regulation, and a demonstration that, if these prices were charged, your operations would be at a break-even position.

(8) The application must refer specifically to this section of the regulation, must be signed by a responsible officer of your company, and should be sent to the Office of Price Stabilization, Washington 25, D. C.

(d) Within thirty days of the receipt of your application, the Director will grant or deny your application in full or in part, or request further information. The Director may, as a condition of granting your application in full or in part, require you to submit reports of subsequent operations and may revoke or modify the adjustment at any time. If, thirty days after the acknowledgment of receipt of your application, none of the actions listed above has been taken, you may sell at your proposed ceiling prices until such time as the Director shall notify you that these prices have been disapproved.

SEC. 44. *Use of "conversion steel" in calculating "the materials cost adjustment"*—(a) *Purpose of this section.* In calculating "the materials cost adjustment" for a commodity under this regulation, you are not permitted to reflect in your calculations any increase in materials cost occasioned by use of so-called "conversion steel". However, if you believe that this requirement imposes upon you a serious inequity because you are required by NPA Order M-47 (16 F. R. 3130) of the National Production Authority to use more conversion steel than you used in your base period, you may apply for permission to reflect such increase in your calculation of "the materials cost adjustment".

(b) *How to apply.* Under the circumstances described in paragraph (a) of this section, you may make application, signed by a responsible officer of your company, and sent by registered mail, to the Office of Price Stabilization, Washington 25, D. C., referring specifically to this section and supplying the following information:

(1) A statement describing the nature of your manufacturing operations, and, particularly, the commodities in which conversion steel is used.

(2) A detailed statement showing all of your purchases of steel (whether conversion steel or not) in your base period, and in the three months ended March 31, 1951, listing, for each such purchase, the date, the name and address of the supplier, the exact specifications of the steel purchased, the price paid (including all discounts, extras, terms, delivery charges, etc.), and the amount purchased. If you sold any steel in either of these periods, you must give full details as to such sales.

(3) A detailed statement establishing the amount of "conversion steel" you are required to use under NPA Order M-47 of the National Production Authority.

(4) A detailed statement showing how you propose to reflect in your calculation of "the materials cost adjustment" the increase, since the end of your base period, in the cost of steel (including conversion steel), in the amount and to the extent that you are required to use such steel under NPA Order M-47 of the National Production Authority.

(c) *Action on your application.* Within thirty days after the receipt of the application described above, the Director will grant or deny, in whole or in part, your application, or notify you that further information is required. If, at the end of thirty days, the Director has done none of the above, you may begin to sell at ceiling prices calculated in accordance with "the materials cost adjustment" you propose. (In the meantime you may, after the effective date of this regulation, sell at a ceiling price calculated without reference to your use of conversion steel.) At any time thereafter, the Director may notify you that further information is required or may deny your application, in whole or in part, but such denial shall not be retroactive as to deliveries previously made.

SEC. 45. *Temporary adjustments to carry out existing contracts*—(a) *Who may apply for adjustment.* If at any time prior to the issuance date of this regulation, you entered into a bona fide contract for delivery of a commodity at a firm price subsequent to the effective date of this regulation, and if your ceiling price as determined under this regulation is lower than the contract price, you may apply to the Director of Price

Stabilization for an adjustment of your ceiling price, *Provided:*

(1) The contract for future delivery was required by seasonal demands or normal business practices.

(2) The contract, if entered into subsequent to January 26, 1951, called for deliveries at a price which was lawful under ceiling price regulations in effect at that time.

(3) You acquired needed raw materials or component parts after the date of the contract at lawful prices in reliance upon and in order to fulfill the terms of the contract.

(b) *Calculation of the amount of the adjustment.* The adjusted ceiling price will be fixed in the following way:

(1) Take the total price of the quantity of raw materials or component parts acquired in reliance upon, and necessary in order to fulfill, the contract.

(2) Compute what the total price of the same quantity of raw materials or component parts would be as of the later of the two applicable prescribed dates used for your calculation of "the materials cost adjustment". In computing what that total price would be, you will, of course, apply the provisions of section 18.

(3) Subtract the figure arrived at in subparagraph (2) from the figure in subparagraph (1). The result is the total amount of the adjustment. If the figure arrived at in subparagraph (1) is no higher than that arrived at in subparagraph (2), you cannot apply for adjustment under this section.

(4) Divide the total amount of the adjustment by the number of units of the commodity called for by the contract. This gives you the adjustment per unit of the commodity. If the contract calls for the delivery of more than one commodity, the total amount of the adjustment may be distributed in any appropriate way among the several commodities.

(5) Add the adjustment per unit of the commodity under (4) to your ceiling price for that commodity. The result is your adjusted ceiling price. In no event, however, may you obtain an adjusted ceiling price higher than the contract price.

Example: You contracted in January 1951 to supply a mail order house 1,000 units of a commodity at $10.00 per unit, delivery to be made during the months of June, July, and August of 1951. Your ceiling price under this regulation is $9.00. In order to comply with the terms of your contract, you purchased raw material sufficient to produce 600 units at a total cost of $4,200. The cost of acquiring the same raw material as of December 31, 1950 (the later of the two applicable dates used in your calculation of "the materials cost adjustment") would be $3,500. The total adjustment is $700 ($4,200 minus $3,50 equals $700). The total number of units called for in the contract was 1,000. Divide $700 by 1,0000. This gives you 70¢. The adjustment per commodity becomes 70¢ and your adjusted ceiling price for the contract $9.70. Subsequent sales to the contract purchaser and all sales to other purchasers must be at the regular ceiling price of $9.00.

(c) *What your application must contain.* Applications for adjustment under this section must be filed on or before August 1, 1950, with the Director of Price Stabilization, Washington 25, D. C. Attached to the application should be the following:

1. A copy of the contract;

2. Copies of invoices covering the raw materials or component parts acquired in reliance upon and in order to fulfill the contract;

3. Copies of invoices or other supporting data which indicate your net cost as of the later of the two applicable dates you used in computing "the materials cost adjustment".

4. A copy of the worksheets used in the calculation of your ceiling price.

5. A report of your adjusted ceiling price and a detailed calculation showing how this price was arrived at.

(d) *Action on your application.* You may not receive payment of any amount in excess of your ceiling price until 30 days after receipt by the Director of Price Stabilization of any application filed under this section. If the Director of Price Stabilization does not revise or modify the adjusted ceiling price reported by you or notify you that further information is required, you may after these 30 days have elapsed receive payment at the adjusted ceiling price for all deliveries made since the date of filing. The Director may, however, at any time revise or modify the adjusted ceiling price, but such revision or modification will not apply to deliveries already made.

SEC. 46. *Records and reports*—(a) *Record-keeping requirements.* (1) With respect to any commodity covered by this regulation the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.[1]

(2) (i) You shall prepare and preserve for the life of the Defense Production Act of 1950 and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including (but not limited to) records showing base period prices and material and labor costs, and records showing costs, prices, and sales for the other applicable periods and dates referred to in the regulation.

(ii) The records to be preserved under this paragraph must include appropriate work sheets. Appendix E contains suggested work sheets for the more important calculations required under this regulation. The work sheets to be preserved may be in the form shown in the appendix; they may be in any other convenient form so long as they include all data and calculations required to determine your ceiling prices.

(3) You shall preserve for a period of two years all records showing the prices at which sales of commodities subject to the regulation have been made.

(b) *Reports.* (1) You must file with the Office of Price Stabilization, Washington 25, D. C., on or before the effective date of this regulation one or more reports on Public Form No. 8 in accordance with the instructions which are a part of that form. Copies of the form may be obtained from any Regional or District Office of the Office of Price Stabilization. This Public Form No. 8 is shown in Appendix D. If you report a ceiling price for any commodity higher than your ceiling price under the General Ceiling Price Regulation, you must file your report by registered mail, and you must wait 15 days before selling as provided in section 48.

(2) The Director of Price Stabilization may from time to time require additional information or reports subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942.

SEC. 47. *Definitions and explanations.* Unless the context otherwise requires, the definitions and explanations in this section shall be controlling.

[Above sentence added by Amdt. 8]

Category. This term is defined in section 5.

Class of purchaser or purchaser of the same class. Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail

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[1] The portions of the General Ceiling Price Regulation here referred to applicable to manufacturers, are as follows:

SEC. 16. (a) *Base period records.* You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period. * * *

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. * * *

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalog. * * *

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

* * * * *

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. * * *

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950 to January 25, 1951.

store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period *and* for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

Commodity. This term includes any item, object, material, article, product or supply.

Delivered. A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Director of Price Stabilization. This term also applies to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

End of your base period. This term means June 24, 1950, if your base period is April 1 through June 24, 1950, or if you elected a previous calendar quarter as your base period in accordance with section 4, it means the last day of that quarter. If, however, you have elected different base periods for different commodities or categories in accordance with sections 4 or 5, the date you will use as the end of your base period is determined as follows:

(a) If you are calculating "the labor cost adjustment" or "the materials cost adjustment" upon the basis of a unit of your business, and your base period is the same for all commodities produced in that unit, the last day of that base period is the end of your base period.

(b) If you are calculating "the labor cost adjustment" upon the basis of your entire business or of a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected which covers the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the labor cost adjustment."

(c) If you are calculating the "materials cost adjustment" upon the basis of your entire business or a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected for the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the materials cost adjustment."

(d) If you are calculating "the materials cost adjustment" for a commodity under method 2 (section 14) or method 3 (section 15) the end of your base period is the last day of the particular base period you are using.

Largest buying class of purchaser. This term refers to the "class of purchaser" of a commodity which bought from you the largest dollar amount of that commodity during your base period. It does not, however, include the United States or any agency thereof, any foreign purchaser, or any person to whom the only sales made during your base period were made under a written contract of at least 6 months' duration entered into prior to the base period, unless the United States or any agency thereof, any foreign purchaser or such contract purchaser was your only class of purchaser.

Manufacturer. This term includes a producer, processor, assembler, finisher, printer or fabricator. You are not a manufacturer unless you substantially change the form of some commodity or commodities, combine two or more commodities into a different one, or create a new commodity from existing ones. If you merely package, label, market, promote, or sell a commodity or combine commodities without substantially changing their form, you are not a manufacturer. If you merely perform an industrial service for the account of others on a commodity you are not a manufacturer with respect to such a commodity.

Manufacturing material. This term is explained in section 10.

Most closely competitive seller of the same class. Your most closely competitive seller of the same class is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of commodity to the same classes of purchaser in similar quantities on similar terms and with approximately the same amount of service.

Net cost or net price. Each of these terms refers to the cost or price to you of a manufacturing material less any discount (other than a customary cash discount) or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

Net sales. This term refers to gross sales after trade discounts, less returns and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted. This term does not include sales of commodities of which you are not the manufacturer.

[Last sentence above added by Amdt. 3]

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

Plant. This term refers to a single physical location where business is conducted or industrial operations are performed, for example, a factory or a mill. If such a single physical location comprises two or more units, with separate payroll and inventory records, engaged in distinct industrial activities, each unit shall be treated as a plant.

This definition of "plant" is based on the definition of "a manufacturing establishment" in the Standard Industrial Classification which is consistent with that used by the Bureau of Census in the 1947 Census of Manufactures and subsequent surveys.

Product line. This term is explained in section 15.

Records. This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sale at retail. Sale at retail means any sale to an ultimate consumer other than a commercial, industrial, governmental or institutional user.

Sell. This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

Service. This term includes any service rendered or supplied, otherwise than by an employee.

Written offer or written offer for sale. Each of these terms refers to an offer for sale made by means of the seller's price list or, if he had no price list, a written offer otherwise made in the seller's customary manner. The term does not include an offer at a price intended to withhold a commodity from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

You. "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

SEC. 48. *Prohibitions.* (a) On and after the effective date of this regulation, regardless of any contract or other obligation, (1) you shall not sell any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation, and (2) no person shall buy from you in the regular course of business or trade any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation.

(b) On and after the effective date of this regulation you shall not sell any commodity subject to this regulation unless you have complied with the report requirements of sections 21, 32, 33, or 46, whichever is applicable.

[Paragraph (b) amended by Amdt. 16]

(c) In the event your ceiling price for a commodity under this regulation is higher than your ceiling price under the General Ceiling Price Regulation (except when you raise your price, pursuant to section 21, above that price initially calculated under this regulation) you shall not sell that commodity at a price exceeding your ceiling price under the General Ceiling Price Regulation, except under the following conditions:

(1) You must send by registered mail a report, relating to that commodity, on Public Form No. 8 (shown in Appendix

D) to the Director of Price Stabilization, Washington 25, D. C. Copies of this form can be obtained from any Regional or District office of the Office of Price Stabilization.

(2) You must wait 15 days after the date of receipt by the Director of Price Stabilization of the report, as shown on your return receipt.

(3) At the end of that 15-day period, or on or after the effective date of this regulation, whichever is later, you may deliver that commodity at your ceiling price as determined under this regulation, unless and until notified by the Director of Price Stabilization to continue using your GCPR ceiling price, or such higher ceiling price as he may permit, either because your ceiling price proposed under this regulation has been disapproved in whole or in part, or because more information is required.

[Paragraph (c) amended by Amdt. 16]

SEC. 48a. *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold, or otherwise transferred, after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

[Sec. 48 (a) added by Amdt. 3]

SEC. 49. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 50. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie in agreements and trade understandings.

SEC. 51. *Violation—(a) Civil and criminal action.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

[Title amended by Amdt. 3]

(b) *Violations of record-keeping and reporting requirements.* If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing ceiling prices for the commodities such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

[Paragraph (b) added by Amdt. 3]

Effective date. The effective date of this regulation is July 2, 1951, or such earlier date between May 28, 1951, and July 2, 1951, as you may select. If you select such an earlier date, the regulation becomes effective as to you upon that date for all of your commodities covered by the regulation.

[Effective date amended by Amdt. 6]

NOTE.—The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

By: DAVID C. EBERHART,
Recording Secretary.

APPENDIX A

This regulation does not apply to the commodities and transactions listed below. Most of such commodities and transactions are covered by some other price regulation.

(a) General exemptions: (1) Sales of commodities, the ceiling prices of which are now or are subsequently established by any numbered regulations of the Office of Price Stabilization.

(2) Sales of commodities exempt from the ceiling price provisions of the General Ceiling Price Regulation under sections 5, 6, 7, 8, and 9 of Supplementary Regulation 1 to the General Ceiling Price Regulation (Defense Agency Pricing).

(3) Sales of commodities, the ceiling prices of which are now or may subsequently be exempted from price control by any General Over-Riding Regulation.

(b) General commodity categories:

1. All raw agricultural products.
2. Stumpage, logs, pulpwood, and other raw forest products.
3. Gas, electricity, and steam.
4. All scrap and waste materials.
5. All repair or replacement parts when sold by the manufacturer of the assembled article in the repair of which such parts are designed to be used.

(c) The following food and kindred products:

(1) All meats, except dry sausage and sterile canned meats.

[Subparagraph (1) amended by Amdt. 3]

(2) Sausage, except dry.

(3) Lard.

(4) Rabbits and dressed and ready-to-cook poultry, including turkeys.

[Subparagraph (4) amended by Amdt. 3]

(5) Dairy products—for the purpose of this regulation, dairy products shall include milk and butterfat and products manufactured or processed in a dairy plant from either milk or butterfat when the milk solids content of the product is greater than the solids content of any other ingredient except sugar; and shall also include water ices (a product composed of water, sugar, flavoring and stabilizer) prepared in bulk, package form, or in the form of a stick confection.

[Subparagraph (5) amended by Amdt. 16]

(6) All canned, frozen, and dried seasonal (meaning products packed at time of harvest from agricultural commodities having a stable seasonal pattern) fruits, berries, and vegetables, and their juices.

(7) Canned soups and baby foods.

(8) Flour, semolina, malt, mill feeds, meal and other animal feed ingredients processed from wheat, grain sorghum, corn, flaxseed, oats, rye and barley, except when sold in cartons of five pounds or less. The word "flour" as used here does not include prepared flour mixes.

(9) Mixed feeds as defined in General Ceiling Price Regulation, Supplementary Regulation 7.

(10) Soybean oil meal, as defined in General Ceiling Price Regulation, Supplementary Regulation 3.

(11) Cottonseed cake, meal and hulls.

[Subparagraph (11) amended by Amdt. 3]

(12) Fish scrap, fish meal, fish solubles, and specialty fish feed products.

(13) Dog and cat food with fifteen percent or less moisture.

(14) Rice as defined in Ceiling Price Regulation 12.

(15) Bakery products—bread, cakes, handmade cookies, donuts, pies, pastries, and similar "perishable bakery products" but not including semi-perishable dry bakery products, such as crackers, packaged cookies, pretzels, etc.

(16) Sugar beet pulp and sugar and liquid sugar (as defined in the Sugar Act of 1948).

[Subparagraph (16) amended by Amdts. 3 and 9]

(17) Chewing gum.

(18) Soft drinks.

(19) Malt beverages.

(20) Wines.

(21) Distilled spirits.

(22) Frozen eggs, dried eggs and liquid eggs.

[Subparagraph (22) amended by Amdt. 3]

(23) Inedible molasses.

[Subparagraph (23) amended by Amdt. 9]

(24) All salmon and salmon products, in any form; and all other fish, shellfish, seafood, and the products thereof, except when sterilized in hermetically sealed containers.

[Subparagraph (24) added by Amdt. 13]

(d) All tobacco products.

(e) The following textile mill products:

(1) All wool fibers which have been processed beyond the scouring stage.

(2) Wool yarn and fabrics as defined in Ceiling Price Regulation 18, together with all other yarns and fabrics containing 25% or more wool by weight, however manufactured.

(3) Soft surface floor coverings which are either entirely made of wool or which, regardless of what material is employed, are woven on a chenille, wilton, velvet or axminster loom or are produced by the manufacturing process that produces punched felt. Ceiling prices for these floor coverings are established by Supplementary Regulation 11, Revision 2, to the General Ceiling Price Regulation.

[Subpart (3) amended by Amdt. 15]

(f) (1) Apparel, apparel furnishings or apparel accessories, made of textile materials, leather, fur, or a combination of any of them, or made of plastic or other materials which are normally sewed as part of the assembly operation; (2) component parts manufactured exclusively for further processing into

or for use as a part of apparel, apparel furnishings or apparel accessories; and (3) such footwear as is not normally made by shoe, slipper or rubber manufacturers.

The following are examples of commodities excepted under this paragraph:

(1) Men's, boys', women's, misses', children's, toddlers' and infants' outerwear, underwear, headwear, hosiery, foundation garments, lounging and leisure wear, bedwear, athletic and special sports apparel, bathing suits and trunks, theatrical and masquerade costumes, ecclesiastical and academic vestments, occupational service apparel, burial clothes, gloves, handbags, pocketbooks, purses, wallets, billfolds, coin purses, money belts, muffs, muff bags, key cases, belts, suspenders, garters, garter belts, hose supporters, arm bands, ear muffs, sun shades, scarfs, mufflers, stoles, separate collars, separate cuffs, neckties, neckwear, handkerchiefs, abdominal supporters, sanitary belts and aprons, infants' bands, bibs, and other articles of a similar nature.

(2) Hat bodies, sewn pockets, brassiere and underwear straps, collar and cuff sets, shoulder pads, shields, waist bands, unassembled garments sold in package form, and other similar manufactured articles.

(3) Booties, spats, slipper-socks, and beach shoes.

The following are examples of commodities not included in this exception: Slide fasteners, buttons and other closures, thread, artificial flowers, cuff links, separate belt buckles, tie clips, feathers, diapers, key chains, plumes, umbrellas, parasols, canes, costume jewelry, ribbons, compacts, cigarette cases, barrettes, hair furnishings, hair nets, tobacco pouches, carrying cases, dressing cases, jewelry cases, brief cases and luggage.

[Paragraph (f) amended by Amdt. 7]

(g) The following lumber and wood products:

(1) Lumber, plywood, veneers, shooks, millwork, wood containers, clothespins, wood excelsior, wood excelsior pads, ties, posts, poles, piling, shuttle blocks, picker stick blanks, wagon and implement woodstock and wood parts such as, doubletrees, wagon tongues, neck yokes and wagon spokes.

(2) Other allied wood products including "turned wood products" (meaning any soft wood or hardwood lumber products which have been turned on a cutting machine or passed through a dowel machine) or "shaped wood products" (meaning any soft wood or hardwood lumber products which have been shaped on a pattern or cutting machine) such as unassembled furniture parts, handles, wooden skewers, wooden heels and lasts, wedgies, wood shanks for shoes and shoe pegs.

(3) However, this regulation does apply to wooden products which are completed and ready for ultimate household, recreational or farm use. Such completed products are not exempt under this paragraph unless they are specifically covered by subparagraphs (1) or (2) of this paragraph. A product is considered "completed and ready for ultimate household, recreational or farm use" within the meaning of this paragraph, even though it must still be painted, lacquered, varnished or upholstered, or subjected to further processing not affecting basic utility, but necessary for consumer acceptance or purchase.

Examples of commodities not included within the exemption of this paragraph are the following wood products: Furniture, assembled furniture frames, brooms, mops, carpet sweepers, toys, games, baseball bats, bowling pins, checkers, chess men, billiard cues, drumsticks, golf tees, wooden spoons, wooden bowls, toothpicks, rolling pins, potato mashers, medical applicators, stepladders, wooden coat hangers, picture frames, caskets, coffins and wooden matches.

[Paragraph (g) amended by Amdt. 10]

(h) Books, magazines, motion pictures, periodicals, newspapers, maps, charts, and globes.

(i) The following chemicals and allied products:

(1) Crude and synthetic rubber.

(2) Synthetic textile fibers and yarns.

(3) Fermentation ethyl alcohol, acetone, and butyl alcohol.

(4) Synthetic butyl alcohol made from fermentation ethyl alcohol.

(5) Cosmetics, proprietary drug products, and drugs and medicines of the kind listed in Major Group 65, *Standard Commodity Classification, Technical Paper No. 26, Volume 1, United States Government Printing Office, 1943*, except those commodities (such as phenol U. S. P., aluminum sulfate and magnesium sulfate) which manufacturers generally sell principally for non-medicinal uses.

[Subpart (5) amended by Amdt. 10]

(6) Household soaps and cleansers as defined in Ceiling Price Regulation 10.

(7) Natural and synthetic glycerin.

(8) Soap stock, raw and acidulated.

(9) Fatty acids which occur in vegetable and animal oils in the form of glyceride esters, such as stearic, palmitic, oleic and lauric acids.

[Subpart (9) amended by Amdt. 10]

(10) Shellac gum and metallic waterproofing compounds.

[Subpart (10) amended by Amdt. 12]

(11) Naval stores.

(12) All natural gums and resins.

(13) All vegetable waxes.

(14) All natural dyeing materials.

(15) All essential or distilled oil.

(16) Fats and oils for which ceiling prices are provided in Ceiling Price Regulation 6.

(17) The following oilseeds or nuts, their oils and fatty acids or combinations of these oils so long as in normal trade practice they retain their identity:

Babassu kernels.
Babassu oil.
Cacao butter.
Cashew nut shell liquid.
Castor beans.
Castor oil.
Cocoanut oil.
Cohune kernels.
Cohune oil.
Copra.
Coquito kernels.
Coquito oil.
Corozo kernels.
Corozo oil.
Hempseed.
Hempseed oil.
Kapok seed.
Kapok seed oil.
Muru-muru kernels.
Muru-muru oil.
Oiticica oil.
Olive oil, edible, sulphur and other inedible.
Ouricury kernels.
Ouricury oil.
Palm kernel oil.
Palm kernels.
Palm oil.
Perilla seeds.
Perilla seed oil.
Poppyseed.
Poppyseed oil.
Rapeseed.
Rapeseed oil.
Rubberseed.
Rubberseed oil.
Sesame oil.
Sesame seed.
Sunflower seed.
Sunflower seed oil.
Tucum kernels.
Tucum oil.
Tung oil.

(18) Whale oil.

(19) Sperm oil.

(20) Fish oils, including cod oil and shark oil.

(21) Peanut oil.

(22) Rice bran oil.

(23) Oleo stock, oil and stearine.

(24) Inedible tallows, greases, and fat-bearing and oil-bearing animal waste materials as defined in Ceiling Price Regulation 6, Amendment 2.

(25) Wool grease.

(26) Glue stock.

(27) Casein.

(28) Cotton linters.

(j) Crude petroleum and petroleum fuels and lubricants, including petroleum coke when used as fuel, and natural gas.

(k) Coke, coal chemicals, coke oven gas, as defined in General Ceiling Price Regulation, Supplement 13.

(l) Bituminous coal, anthracite coal, coal briquettes, charcoal, and fuel processed from anthracite or bituminous coal.

(m) Cattle hide, kips, and calfskins, as defined in Ceiling Price Regulation 2.

(n) Hogskins, woolskins, sheep and lamb shearlings, pickled lambskins, pickled sheepskins, horsehides, deerskins, alligator skins, and snakeskins.

(o) Leather, tanned and finished and leather cut stock.

[Paragraph (o) amended by Amdt. 14]

(p) Footwear, except rubber footwear.

(q) The following specified building materials:

(1) Cement, including standard Portland Cement; special Portland Cement, such as high early strength masonry or mortar, low and moderate heat, oil-well, sulphate-resisting, white Portland; or any other cement generally classified as special Portland Cement; alumina cement, natural cement, puzzolan (slag-lime) cement; and masonry cement of the natural cement class; but excluding hydraulic lime.

(2) Ready-mixed Portland cement concrete.

(3) Calcined gypsum plasters, not including finished products produced therefrom.

(4) Lime (construction, metallurgical, chemical, agricultural, refractory).

(5) Sand, gravel, crushed stone and slag, both aggregates and industrial.

(6) Light weight aggregates.

(7) Asphaltic concrete and bituminous paving mixes.

(8) Roofing granules, natural and artificial.

[Paragraph (q) amended by Amdt. 3]

(r) Primary metals, metallic alloys, metallic oxides, and metallic by-products, specifically including metal products containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (r) amended by Amdts. 3 and 17]

(s) All secondary metals and scrap.

(t) All metal powders, specifically including powders containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (t) amended by Amdt. 17]

(u) All metallic ores.

(v) (1) All non-metallic minerals which are obtained from their natural state solely by mechanical means such as grinding, washing, leaching, classification, flotation, evaporation, dehydration and the like. The term does not include commodities which are obtained by refining or purification processes involving recrystallization or chemical methods including carbonation, ionic interchange and similar methods.

(2) The exceptions provided in subparagraph (1) of this paragraph do not apply to the following:

(i) *Dimension and Building Stones as follows:* Basalt and related stones. Granite: Building, ornamental and monumental. Greenstone: Interior, or exterior building, structural, ornamental, and monumental. Limestone: Building, ornamental, and monumental. Marble: Slabs—buildings, structural, and decorative; ornamental and monumental marble; grave vaults. Sandstone: Building, structural, ornamental, floor and flagging (including bluestone and brownstone). Slate: Structural, electrical, grave vaults, mausoleum, roofing, floor, and flagging.

(ii) *Monuments and Memorials* of granite, greenstone, limestone, marble and sandstone.

[Paragraph (v) amended by Amdts. 3 and 10]

(w) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated, except cast iron soil pipe and fittings, cast iron water and gas pipe and fittings, and valve and pipe fittings, but specifically including metal products containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (w) amended by Amdts. 3 and 17]

(x) Fabricated structural steel and steel plate and fabricated reinforcing bars, except metal lath and metal lath accessories (including cold rolled channels).

[Paragraph (x) amended by Amdt. 3]

(y) Passenger automobiles, as defined in Ceiling Price Regulation 1.

(z) Wood-cased and paper-wrapped lead pencils.

(aa) Precious stones and precious jewelry. A "precious stone" means a natural pearl, diamond, ruby, sapphire, or emerald. The term "precious stone" also includes any other genuine stone, including a semi-precious stone, any synthetic stone, or any cultured pearl or group of cultured pearls (combined in a single article), when the selling price for any such item by the cutter, wholesale dealer or importer is $25.00 or more. "Precious jewelry" means any article or mounting, a component part of which is a "precious stone" (or "precious stones") as defined above, when the value of the "precious stone" (or "precious stones") exceeds the value of the total of the other component parts of the finished article.

[Paragraph (aa) amended by Amdt. 10]

(bb) Paintings, sculptures, and other works of art.

(cc) Merchant clays, as listed and described in the Bureau of Mines, U. S. Department of the Interior, current "Minerals Yearbook."

(dd) The following iron and steel products: Wire rope and strand; wire (barbed and twisted); wire fence (woven or welded); wire netting; nails (cut and wire); staples; wire bale ties; fence posts; steel screen wire cloth, welded wire concrete reinforcing mesh; hoops, bailing bands, and cotton ties; formed roofing and siding; valley, ridge roll, and flashing; welded pipe and tubing; rails and track accessories.

(ee) Glass containers and closures for glass containers except rubber closures and novelty closures not used by commercial bottlers or packers.

[Paragraphs (cc), (dd), (ee) added by Amdt. 3]

(ff) Woodpulp.

[Paragraph (ff) added by Amdt. 5]

(gg) Decorative paper gift dressings produced for over-the-counter sale for special occasions during 1951, including but not limited to enclosure cards, tags, seals, plain and printed gift wrap papers, labels and gift money envelopes, which are usually but not necessarily pre-packaged, and usually but not necessarily bear printed price and count identification on the package. Not included are so-called Christmas and similar special occasion greeting cards.

[Paragraph (gg) amended by Amdt. 11]

APPENDIX B

With respect to the following manufacturing materials, the change in net cost may be calculated up to March 15, 1951.

1. All commodities listed in Appendix A, as amended, under paragraph (b) and all succeeding paragraphs.

[Paragraph 1 amended by Amdt. 10]

2. Wood pulp, paper, paperboard, and converted paper and paperboard products.

3. All imported materials, when purchased from a foreign supplier, or from a seller in the United States in substantially the same form as that in which imported (except for services normally performed by importers such as sorting or packaging), or after simple processing operations only, such as wool scouring.

4. All jute products containing more than 50 per cent by weight of jute.

5. All industrial services.

6. Metal containers when used for processed foods, and metal closures for all containers when used for processed foods.

[Item 6 added by Amdt. 4]

7. Upholstery felt made of cotton linters or cotton waste, and sisal pads.

[Item 7 added by Amdt. 8]

APPENDIX C

With respect to the following agricultural commodities and products processed therefrom, a current date may be used in calculating the change in net cost to you, subject to the limitations imposed in Section 21:

Fruits:
- Apples
  - For canning
  - For drying
- Apricots
  - For canning
  - Dried
- Avocados
- Blackberries
- Boysenberries
- Cherries
  - Sweet
  - Sour
- Cranberries
- Dates
- Figs for canning
- Grapes, excluding raisins dried
- Grapefruit
- Lemons
- Limes
- Loganberries
- Olives
  - For canning
  - Crushed for oil
- Oranges and tangerines
- Peaches
  - For canning
    - Clingstone
    - Freestone
  - Dried
- Pears
  - For canning
  - Dried
- Pineapples, Florida
- Plums
  - For fresh consumption
  - For canning
- Raspberries, black
- Raspberries, red
- Youngberries

Tree-nuts:
- Almonds
- Filberts
- Pecans
- Walnuts

Livestock and Livestock Products:
- Butterfat
- Chickens
- Eggs
- Milk, wholesale
- Turkeys
- Beeswax

Field Crops:
- Barley
- Beans, dry edible
- Buckwheat
- Corn
- Flaxseed
- Hay
- Oats
- Peanuts
- Peas, dry field
- Rye
- Sorghums for grain
- Wheat

Sugar crops:
- Maple sirup
- Maple sugar
- Sorghum sirup
- Sugar beets
- Sugarcane
- Sugarcane sirup

Vegetables:
- Artichokes
- Beans, Lima
- Beans, snap
- Beets
- Cabbage
- Cantaloupe
- Carrots
- Cauliflower
- Celery
- Corn, sweet
- Eggplant
- Garlic
- Kale
- Lettuce
- Onions
- Peas, green
- Peppers, green
- Pimientos
- Shallots
- Spinach
- Tomatoes
- Watermelon
- Potatoes
- Sweet Potatoes

Tobacco:
- Flue-cured; types 11, 14
- Burley-type 31
- Cigar filler and binder types 42-44, 46, 51-55
- Cigar wrapper, type 61
- Cigar wrapper, type 62
- Dark air-cured, types 35-36
- Fire cured, types 21-24
- Maryland types, 32
- Pennsylvania seedleaf type 41
- Sun cured, type 37

Miscellaneous:
- Popcorn
- Honey
- Hops
- Peppermint Oil
- Spearmint Oil
- Tung nuts

[App. C amended by Amdts. 3 and 9]

APPENDIX D

This appendix contains a facsimile of OPS Public Form 8, "Manufacturer's Price Adjustment Report," required to be filed under sections 46 and 48 of this regulation. Printed copies of this form are available at OPS District and Regional Offices.

INSTRUCTIONS FOR COMPLETING OPS PUBLIC FORM NO. 8

Who Must File

Every manufacturer subject to CPR 22 must file this report by July 2, 1951, or such earlier effective date between May 28, 1951, and July 2, 1951, as he may select, as required by sections 46 and 48 of the regulation.

[Above sentence amended by Amdt. 6]

Where Shall the Report Be Filed

Mail to Office of Price Stabilization, Washington 25, D. C. Use registered mail if Item 8 is completed.

Why Must the Report Be Filed

This report is designed to inform OPS of adjustments of pre-Korean prices and of proposed ceiling price increases.

How Many Copies Shall Be Filed

A single copy of this report is to be filed for each category or product line, even though the actual price computations have been arrived at by a method applying to a larger unit of your business. Reporting by categories or product lines is needed to facilitate classification and analysis. Many companies will report only one product line. (See instruction for Item 1 below.)

How To Complete the Form

(Make sure to read the regulation and refer to Appendix E for worksheets.)

ITEM 1. DESCRIBE THE CATEGORY OR PRODUCT LINE COVERED BY THIS REPORT. A "category" is defined in the regulation (Section 5) as "a group of commodities which are normally classed together in your industry for purposes of production accounting or sales." Examples of categories would be: wood office desks; domestic vacuum cleaners; domestic washing machines.

A "product line" is defined in the regulation (Section 15 (a) (1)) as "a group of closely related commodities which differ in such respects as style, model, or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials." Examples of product lines would be: wringer type washing machines; felt mattresses; ball-point pens.

If the same product line or category was produced by more than one plant and sold at different base period prices, a separate report must be made for each plant and the plant indicated in completing this item.

ITEM 2. GIVE THE DATES OF THE BASE PERIOD USED. "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier

than September 30, 1949 which you may elect to use. (See Section 4.)

ITEM 3. ESTIMATED 1950 DOLLAR SALES. Enter in this item the estimated 1950 dollar sales for *all* the commodities which are included in the category or product line for which the report form is being prepared.

ITEM 4. LABOR COST ADJUSTMENT FACTOR. Enter here the labor cost adjustment factor used pursuant to section 8 (e) or 9 (b) of the regulation. Note that it is the *adjustment factor* rather than the *adjustment* which is desired here. The adjustment factor is always a percentage which is applied to the sales or price figure to yield the dollars and cents labor cost adjustment. If you calculated a separate "labor cost adjustment" for each unit of your business enter the labor cost adjustment factor for the unit which produces the category or product line covered by the report.

ITEM 5. MATERIALS COST ADJUSTMENT FACTOR. If either of methods 1, 3, or 4 has been used for the commodities in this category or product line, you will have arrived at a materials cost adjustment factor under section 13 (d), 15 (c), or 16 (d). This adjustment factor is a percentage to be applied to the sales figure to arrive at the materials cost adjustment.

If you have used method 2, which provides for a separate analysis of material cost for each individual commodity, you will have no "materials cost adjustment factor" but only a dollars and cents "materials cost adjustment" (Section 14 (c)) to be added to the base period price. Give the adjustment figure for a selected commodity, which should be the best selling commodity of the category or product line. Show the actual base period price and identify the commodity.

ITEM 6. PRICE ADJUSTMENT RATIO. You may choose to preserve the price relationships established by the General Ceiling Price Regulation. In this case, you will have arrived at a "price adjustment ratio" under Supplementary Regulation 2 to this regulation. Enter here the ratio which will be applied uniformly to GCPR prices.

ITEM 7. CERTIFICATION REGARDING PROPOSED CEILING PRICE INCREASES OVER GENERAL CEILING PRICE REGULATION. All manufacturers filing this report must complete items 1-6 of the report and sign the certification even though they are not reporting any proposed ceiling price increases in item 8.

ITEM 8. PROPOSED CEILING PRICE INCREASES. (a) Identify the commodity in sufficient detail comparable to that which a fully completed invoice would show. Identify also the physical unit to which the proposed ceiling price refers (for example, pound, dozen, piece).

(b) Give here sufficient information to show the nature of the price computed: largest buying class of customer, delivery terms, cash and other discounts and other important terms and conditions of sale.

(c) Estimated sales in 1950 should be only for the specific commodity for which there is a proposed ceiling price increase, but should include sales to all customers.

(d) Insert the base period price to the largest buying class of purchaser which you determined fo the commodity in accordance with Section 6 of the regulation.

(e) Indicate your GCPR price for the commodity.

(f) Indicate the proposed ceiling price as calculated under the provisions of this regulation.

(g) Divide the proposed ceiling price (column (f)) by the GCPR price (column (e)). This will indicate the percentage price increase over the GCPR price which is being proposed.

(h) If you used method 2 for calculating the materials cost adjustment separately for each commodity included in the category or product line covered by this report, then you must show here the materials cost adjustment obtained for the commodity for which a proposed ceiling price increase is shown. If you used method 1, 3 or 4 no entry is required in this column since the adjustment factor shown in Item 5 of the report will apply.

ITEM 9. CODE NUMBER. (a) When you complete this form, insert in the box in the upper right-hand corner the appropriate 6-digit code for the category or product line covered by the report. Determine the code applicable to your report from the list of codes given below.

(b) The first two digits represent the OPS price branch concerned with your category or product line and the next four digits represent the industry class in the Standard Industrial Classification now widely used by private as well as Government agencies.

(c) Your careful selection of the appropriate 6-digit code from the list will expedite the sorting, classification, and analysis of the forms upon receipt in this office.

(d) Although a number of commodity classifications not subject to CPR-22 are included in the codes, Appendix A is nevertheless controlling as to commodities and transactions exempt from CPR-22.

NOTE: If prior to May 4, 1951, the date of issuance of this amendment, you mailed to the Office of Price Stabilization, Washington 25, D. C., Public Form No. 8, you need not mail another form relating to the same category or product line solely for the purpose of inserting the code.

LIST OF CODES TO BE USED BY MANUFACTURERS IN CODING ITEM 1 (CATEGORY OR PRODUCT LINE) ON PUBLIC FORM 8

FOOD AND KINDRED PRODUCTS

26-2011	Meat packing.
31-2012	Custom slaughtering.
26-2013	Sausages and other prepared meat products.
26-2014	Sausage casings.
27-2015	Poultry and small game dressing and packing.
32-2021	Creamery butter.
32-2022	Natural cheese.
32-2023	Condensed and evaporated milk.
32-2024	Ice cream and ices.
32-2025	Special dairy products.
26-2031	Canned sea food.
26-2032	Cured fish.
23-2033	Canned fruits, vegetables, and soups; preserves, jams, and jellies.
23-2034	Dried and dehydrated fruits and vegetables.
23-2035	Pickled fruits and vegetables; vegetable sauces and seasonings, salad dressings.
23-2037	Frozen fruits, vegetables, and sea foods.
24-2041	Flour and other grain-mill products.
24-2042	Prepared feeds for animals and fowls.
24-2043	Cereal preparations.
24-2044	Rice cleaning and polishing.
24-2045	Blended and prepared flour.
24-2051	Bread and other bakery products (except biscuit, crackers, and pretzels).
24-2052	Biscuit, crackers, and pretzels.
25-2061	Cane sugar (except refining only).
25-2062	Cane-sugar refining.
25-2063	Beet sugar.
25-2071	Candy and other confectionery products.
25-2072	Chocolate and cocoa products.
25-2073	Chewing gum.
25-2081	Bottled soft drinks and carbonated waters.
25-2082	Malt liquors.
25-2083	Malt.
25-2084	Wines.
25-2085	Distilled, rectified, and blended liquors.
25-2091	Baking powder, yeast, and other leavening compounds.
22-2092	Shortening and other cooking and edible fats and oils, not elsewhere classified.
22-2093	Oleomargarine.
25-2094	Corn sirup, corn sugar, corn oil, and starch.
25-2095	Flavoring extracts and flavoring sirups, not elsewhere classified.
25-2096	Vinegar and cider.
25-2097	Manufactured ice.
25-2098	Macaroni, spaghetti, vermicelli, and noodles.
25-2099	Food preparations, not elsewhere classified.

TOBACCO MANUFACTURES

25-2111	Cigarettes.
25-2121	Cigars.
25-2131	Tobacco (chewing and smoking) and snuff.
25-2141	Tobaco stemming and redrying.

TEXTILE MILL PRODUCTS

52-2211	Scouring and combing plants.
52-2221	Yarn mills.
52-2222	Yarn throwing mills.
52-2223	Thread mills.
52-2231	Broad-woven fabric mills (cotton, silk, and synthetic fiber).
52-2232	Broad-woven fabric mills (woolen and worsted).
52-2241	Narrow fabrics and other smallwares mills (cotton, wool, silk, and synthetic fiber).
53-2251	Full-fashioned hosiery mills.
53-2252	Seamless-hosiery mills.
53-2253	Knit outerwear mills.
53-2254	Knit underwear mills.
53-2255	Knit glove mills.
52-2256	Knit-fabric mills.
52-2259	Knitting mills, not elsewhere classified.
52-2261	Dyeing and finishing textiles (except woolen and worsted textiles and knit goods).
52-2262	Dyeing and finishing woolen and worsted goods.
73-2271	Wool carpets, rugs, and carpet yarn.
73-2273	Carpets, rugs, and mats from fiber (except wool).
73-2274	Linoleum, asphalted-felt-base, and other hard-surface floor coverings, not elsewhere classified.
53-2281	Fur-felt hats and hat bodies.
53-2282	Wool-felt hats and hat bodies.
53-2283	Straw hats.
53-2284	Hatters' fur.
54-2291	Felt goods (except woven felts and hats).
73-2292	Lace goods.
73-2293	Paddings and upholstery filling.
52-2294	Processed waste and recovered fibers.
93-2295	Artificial leather, oilcloth, and other impregnated and coated fabrics (except rubberized).
52-2296	Linen goods.
52-2297	Jute goods (except felt).
52-2298	Cordage and twine.
52-2299	Textile goods, not elsewhere classified.

APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

53-2311	Men's, youths', and boys' suits, coats, and overcoats.
53-2312	Suit and coat findings.
53-2321	Men's, youths', and boys' shirts (except work shirts), collars, and nightwear.
53-2322	Men's, youths', and boys' underwear.
53-2323	Men's, youths', and boys' neckwear.
53-2325	Men's, youths', and boys' cloth hats and caps.
53-2326	Hat and cap materials.

APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS—CON.

53-2327 Men's, youths', and boys' separate trousers.
53-2328 Work shirts.
53-2329 Men's, youths', and boys' work, sport, and other clothing, not elsewhere classified.
53-2331 Women's and misses' blouses and waists.
53-2333 Women's and misses' dresses.
53-2334 Household apparel.
53-2337 Women's and misses' suits, coats (except fur coats), and skirts.
53-2338 Women's neckwear and scarfs.
53-2339 Women's and misses' outerwear, not elsewhere classified.
53-2341 Women's, misses', children's, and infants' underwear and nightwear.
53-2342 Corsets and allied garments.
53-2351 Millinery.
53-2361 Children's and infants' dresses.
53-2363 Children's and infants' coats.
53-2369 Children's and infants' outerwear, not elsewhere classified.
53-2371 Fur goods.
53-2381 Dress and semidress gloves and mittens (fabric, fabric and leather combined).
53-2382 Work gloves and mittens (fabric, fabric and leather combined).
53-2383 Suspenders, garters, and related products.
53-2384 Robes and dressing gowns.
53-2385 Raincoats and other waterproof outer garments.
53-2386 Leather and sheep-lined clothing.
53-2387 Belts.
53-2388 Handkerchiefs.
53-2389 Apparel, not elsewhere classified.
73-2391 Curtains and draperies.
73-2392 Housefurnishings (except curtains and draperies).
52-2393 Textile bags.
73-2394 Canvas products.
53-2395 Pleating, stitching, and tucking for the trade.
53-2396 Trimmings, stamped arts goods, and art needlework.
53-2397 Schiffli-machine embroideries.
53-2341 Women's, misses', children's, and chine.
73-2399 Fabricated textile products, not elsewhere classified.

LUMBER AND WOOD PRODUCTS (EXCEPT FURNITURE)

12-2411 Logging camps and logging contractors.
12-2421 Sawmills and planing mills, general.
12-2422 Veneer mills.
12-2423 Shingle mills.
12-2424 Cooperage stock mills.
12-2425 Excelsior mills.
12-2429 Special-product sawmills, not elsewhere classified.
12-2431 Millwork plants.
12-2432 Plywood plants.
12-2433 Prefabricated wooden buildings and structural members.
12-2441 Fruit and vegetable baskets.
74-2442 Rattan and willow ware (except furniture and fruit and vegetable baskets).
12-2443 Cigar boxes.
12-2444 Wooden boxes (except cigar boxes).
12-2445 Cooperage.
12-2491 Wood preserving.
12-2492 Lasts and related products.
74-2493 Mirror frames and picture frames.
74-2499 Wood products, not elsewhere classified.

FURNITURE AND FIXTURES

73-2511 Wood household furniture, except upholstered.
73-2512 Wood household furniture, upholstered.
73-2513 Reed and rattan furniture.

FURNITURE AND FIXTURES—continued

73-2514 Metal household furniture.
73-2515—Mattresses and bedsprings.
73-2519 Household furniture, not elsewhere classified.
72-2521 Wood office furniture.
72-2522 Metal office furniture.
72-2531 Public-building and related furniture.
72-2532 Professional furniture.
72-2541 Partitions, shelving, lockers, and office and store fixtures.
42-2561 Window and door screens and weather strip.
73-2562 Window shades.
73-2563 Venetian blinds.
72-2591 Restaurant furniture.
73-2599 Furniture and fixtures, not elsewhere classified.

PAPER AND ALLIED PRODUCTS

13-2611 Pulp mills.
13-2612 Paper and paperboard mills (except building-paper and building-board mills).
13-2613 Building-paper and building-board mills.
13-2641 Paper coating and glazing.
13-2651 Envelopes.
13-2661 Paper bags.
13-2671 Paperboard boxes: folded, set-up, and corrugated.
13-2674 Fiber cans, tubes, drums, and similar products.
13-2691 Die-cut paper and paperboard; and cardboard.
13-2693 Wall paper.
13-2694 Pulp goods, pressed and molded.
13-2699 Converted paper products, not elsewhere classified.

PRINTING, PUBLISHING, AND ALLIED INDUSTRIES

13-2711 Newspapers.
13-2721 Periodicals.
13-2731 Books: publishing, publishing and printing.
13-2732 Book printing.
13-2741 Miscellaneous publishing.
13-2751 Commercial printing.
13-2761 Lithographing.
13-2771 Greeting cards.
13-2781 Bookbinding.
13-2782 Blankbook making and paper ruling.
13-2783 Library and loose-leaf binder manufacturing.
13-2789 Miscellaneous work related to bookbinding.
13-2791 Typesetting.
13-2792 Engraving and plate printing.
13-2793 Photoengraving.
13-2794 Electrotyping and stereotyping.

CHEMICALS AND ALLIED PRODUCTS

93-2811 Sulfuric acid.
93-2812 Alkalies and chlorine.
93-2819 Industrial inorganic chemicals, not elsewhere classified.
64-2821 Cyclic (coal-tar) crudes.
93-2822 Intermediates, dyes, color lakes, and toners.
93-2823 Plastics materials and elastomers, except synthetic rubber.
92-2824 Synthetic rubber.
52-2825 Synthetic fibers.
93-2826 Explosives.
93-2829 Industrial organic chemicals, not elsewhere classified.
93-2831 Biological products.
93-2832 Botanical products.
93-2833 Inorganic and organic medicinal chemicals.
93-2834 Pharmaceutical preparations.
22-2841 Soap and glycerin.
22-2842 Cleaning and polishing preparations.
22-2843 Sulfonated oils and assistants.
42-2851 Paints, varnishes, lacquers, japans, and enamels.
93-2852 Inorganic color pigments.

CHEMICALS AND ALLIED PRODUCTS—continued

42-2853 Whiting, putty, wood fillers, and allied paint products.
93-2861 Hardwood distillation.
93-2862 Softwood distillation.
93-2863 Gum naval stores.
93-2864 Natural dyeing materials.
93-2865 Natural tanning materials.
24-2871 Fertilizers (manufacturing and mixing).
24-2872 Fertilizers (mixing only).
22-2881 Cottonseed oil mills.
22-2882 Linseed oil mills.
22-2883 Soybean oil mills.
22-2884 Vegetable oil mills, not elsewhere classified.
22-2885 Marine animal oils.
22-2886 Grease and tallow.
22-2887 Fatty acids.
22-2889 Animal oils, not elsewhere classified.
93-2891 Printing ink.
93-2892 Essential oils.
93-2893 Perfumes, cosmetics, and other toilet preparations.
93-2894 Glue and gelatin.
93-2895 Bone black, carbon black, and lamp black.
93-2896 Compressed and liquefied gases.
24-2897 Insecticides and fungicides.
93-2898 Salt.
93-2899 Chemicals and chemical products, not elsewhere classified.

PRODUCTS OF PETROLEUM AND COAL

63-2911 Petroleum refining.
64-2931 Beehive coke ovens.
64-2932 Byproduct coke ovens.
42-2951 Paving mixtures and blocks.
42-2952 Roofing felts and coatings.
64-2991 Fuel briquets and packaged fuel.
63-2992 Lubricating oils and greases not made in petroleum refineries.
63-2999 Products of petroleum and coal, not elsewhere classified.

RUBBER PRODUCTS

92-3011 Tires and inner tubes.
92-3021 Rubber footwear.
92-3031 Reclaimed rubber.
92-3099 Rubber industries, not elsewhere classified.

LEATHER AND LEATHER PRODUCTS

54-3111 Leather tanning and finishing.
44-3121 Industrial leather belting and packing.
54-3131 Boot and shoe cut stock and findings.
54-3141 Footwear (except house slippers and rubber footwear).
54-3142 House slippers.
53-3151 Dress and semidress leather gloves.
53-3152 Leather work gloves and mittens.
74-3161 Suitcases, briefcases, bags, trunks, and other luggage.
53-3171 Women's handbags and purses.
74-3172 Small leather goods.
54-3192 Saddlery, harness, and whips.
54-3199 Leather goods, not elsewhere classified.

STONE, CLAY AND GLASS PRODUCTS

42-3211 Flat glass.
42-3221 Glass containers.
74-3229 Pressed and blown glass and glassware, not elsewhere classified.
74-3231 Glass products made of purchased glass.
42-3241 Cement, hydraulic.
42-3251 Brick and hollow tile.
42-3253 Floor and wall tile, except quarry tile.
42-3254 Sewer pipe.
42-3255 Clay refractories.
42-3259 Structural clay products, not elsewhere classified.
42-3261 Vitreous and semivitreous plumbing fixtures.

STONE, CLAY AND GLASS PRODUCTS—continued

74-3262 Vitreous-china table and kitchen articles.
74-3263 Fine earthenware (whiteware) table and kitchen articles.
42-3264 Porcelain electrical supplies.
74-3265 China decorating for the trade.
74-3269 Pottery products, not elsewhere classified.
42-3271 Concrete products.
42-3272 Gypsum products.
42-3274 Lime.
42-3275 Mineral wool.
44-3291 Abrasive products.
42-3292 Asbestos products.
42-3293 Steam and other packing, and pipe and boiler covering.
43-3294 Natural graphite: ground, refined, or blended.
43-3295 Minerals and earths: ground or otherwise treated.
43-3296 Sand-lime brick, block and tile.
43-3297 Nonclay refractories.
43-3298 Statuary and art goods (factory production).

PRIMARY METAL INDUSTRIES

43-3311 Blast furnaces.
43-3312 Steel works and rolling mills.
43-3313 Electrometallurgical products.
43-3321 Gray-iron foundries.
43-3322 Malleable-iron foundries.
43-3323 Steel foundries.
43-3331 Primary smelting and refining of copper.
43-3332 Primary smelting and refining of lead.
43-3333 Primary smelting and refining of zinc.
43-3334 Primary refining of aluminum.
43-3335 Primary refining of magnesium.
43-3339 Primary smelting and refining of nonferrous metals, not elsewhere classified.
43-3341 Secondary smelting and refining of nonferrous metals and alloys.
43-3351 Rolling, drawing, and alloying of copper.
43-3352 Rolling, drawing, and alloying of aluminum.
43-3359 Rolling, drawing, and alloying of nonferrous metals, not elsewhere classified.
43-3361 Nonferrous foundries.
43-3391 Iron and steel forgings.
43-3392 Wire drawing.
43-3393 Welded and heavy-riveted pipe.
43-3399 Primary metal industries, not elsewhere classified.

FABRICATED METAL PRODUCTS (EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT)

43-3411 Tin cans and other tinware.
74-3421 Cutlery.
74-3422 Edge tools.
74-3423 Hand tools (except edge tools, machine tools, files, and saws).
74-3424 Files.
74-3425 Hand saws and saw blades.
74-3429 Hardware, not elsewhere classified.
42-3431 Enameled-iron and metal sanitary ware and other plumbers' supplies.
42-3432 Oil burners, domestic and industrial.
42-3439 Heating and cooking apparatus (except electric), not elsewhere classified.
42-3441 Fabricated structural steel and ornamental metal work.
42-3442 Metal doors, sash, frames, molding, and trim.
44-3443 Boiler shop products.
42-3444 Sheet-metal work.
74-3461 Vitreous-enameled products.
45-3462 Automobile stampings.
44-3463 Stamped and pressed metal products (except automobile stampings).

FABRICATED METAL PRODUCTS (EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT)—continued

43-3464 Powder metallurgy.
44-3465 Enameling, japanning, and lacquering.
44-3466 Galvanizing and other hot-dip coating.
74-3467 Engraving on metal.
44-3468 Electroplating, plating, and polishing.
42-3471 Lighting fixtures.
43-3481 Nails and spikes.
43-3489 Wirework, not elsewhere classified.
43-3491 Metal shipping barrels, drums, kegs, and pails.
72-3492 Safes and vaults.
44-3493 Steel springs.
43-3494 Bolts, nuts, washers, and rivets.
43-3495 Screw-machine products.
43-3496 Collapsible tubes.
43-3497 Gold, silver, tin, aluminum, and other foil.
74-3499 Fabricated metal products, not elsewhere classified.

MACHINERY (EXCEPT ELECTRICAL)

44-3511 Steam engines, turbines, and water wheels.
44-3519 Diesel and semi-Diesel engines; and other internal-combustion engines, not elsewhere classified.
44-3521 Tractors.
44-3522 Agricultural machinery (except tractors).
44-3531 Construction, mining and similar machinery (except oil-field machinery and tools).
44-3532 Oil-field machinery and tools.
44-3541 Machine tools.
44-3542 Metalworking machinery (except machine tools).
44-3543 Machine-tool accessories, other metalworking-machinery accessories, and machinists' precision tools.
44-3551 Food-products machinery.
44-3552 Textile machinery.
44-3553 Woodworking machinery.
44-3554 Paper-industries machinery.
44-3555 Printing-trades machinery and equipment.
44-3559 Special-industry machinery, not elsewhere classified.
44-3561 Pumps, air and gas compressors, and pumping equipment.
44-3562 Elevators and escalators.
44-3563 Conveyors and conveying equipment.
44-3564 Blowers, exhaust and ventilating fans.
44-3565 Industrial trucks, tractors, trailers, and stackers.
44-3566 Mechanical power-transmission equipment (except ball and roller bearings).
44-3567 Industrial furnaces and ovens.
42-3568 Mechanical stokers, domestic and industrial.
44-3569 General industrial machinery and equipment, not elsewhere classified.
72-3571 Computing machines and cash registers.
72-3572 Typewriters.
72-3575 Vending, amusement, and other coin-operated machines.
72-3576 Scales and balances.
72-3579 Office and store machines and devices, not elsewhere classified.
72-3581 Domestic laundry equipment.
44-3582 Commercial laundry, dry-cleaning, and pressing machines.
72-3583 Sewing machines.
72-3584 Vacuum cleaners.
72-3585 Refrigerators, refrigeration machinery, and complete air-conditioning units.
45-3586 Measuring-and-dispensing pumps.

MACHINERY (EXCEPT ELECTRICAL)—continued

72-3589 Service-industry and household machines, not elsewhere classified.
44-3591 Valves and fittings (except plumbers' valves).
42-3592 Fabricated pipe and fittings.
44-3593 Ball and roller bearings.
44-3599 Machine shops (jobbing and repair).

ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

44-3611 Wiring devices and supplies.
44-3612 Carbon and graphite products for use in the electrical industry.
44-3613 Instruments for indicating, measuring, and recording electrical quantities and characteristics.
44-3614 Motors, generators, and motor-generator sets.
44-3615 Power and distribution transformers.
44-3616 Switchgear, switchboard apparatus, and industrial controls.
44-3617 Electrical welding apparatus.
44-3619 Electrical equipment for industrial use, not elsewhere classified.
72-3621 Electrical appliances.
44-3631 Insulated wire and cable.
44-3641 Electrical equipment for motor vehicles, aircraft, and railway locomotives and cars.
74-3651 Electric lamps.
74-3661 Radios, radio and television equipment (except radio tubes), radar and related detection apparatus, and phonographs.
44-3662 Radio tubes.
74-3663 Phonograph records.
44-3664 Telephone and telegraph equipment.
44-3669 Communication equipment, not elsewhere classified.
44-3691 Storage batteries.
44-3692 Primary batteries (dry and wet).
44-3693 X-ray and therapeutic apparatus and non-radio electronic tubes.
74-3699 Electrical products, not elsewhere classified.

TRANSPORTATION EQUIPMENT

45-3711 Motor vehicles.
45-3712 Passenger-car bodies.
45-3713 Truck and bus bodies.
45-3714 Motor-vehicle parts and accessories.
45-3715 Truck trailers.
45-3716 Automobile trailers (for attachment to passenger cars).
44-3721 Aircraft.
44-3722 Aircraft engines and engine parts.
44-3723 Aircraft propellers and propeller parts.
44-3729 Aircraft parts and auxiliary equipment, not elsewhere classified.
44-3731 Ship building and repairing.
74-3732 Boat building and repairing.
44-3741 Locomotives and parts.
44-3742 Railroad and street cars.
45-3751 Motorcycles, bicycles, and parts.
74-3799 Transportation equipment, not elsewhere classified.

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

72-3811 Laboratory, scientific, and engineering instruments (except surgical, medical, and dental).
44-3821 Mechanical measuring and controlling instruments.
72-3831 Optical instruments and lenses.
72-3841 Surgical and medical instruments.
72-3842 Surgical and orthopedic appliances and supplies; and personal safety devices, not elsewhere classified.
72-3843 Dental equipment and supplies.
72-3851 Ophthalmic goods.
74-3861 Photographic equipment and supplies.

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS—continued

74-3871 Watches, clocks, and parts (except watchcases).
74-3872 Watchcases.

MISCELLANEOUS MANUFACTURING INDUSTRIES

74-3911 Jewelry (precious metal).
74-3912 Jewelers' findings and materials.
74-3913 Lapidary work.
74-3914 Silverware and plated ware.
74-3931 Pianos.
74-3932 Organs.
74-3933 Piano and organ parts and materials.
74-3939 Musical instruments, parts, and materials, not elsewhere classified.
73-3941 Games and toys (except dolls, and children's vehicles).
73-3942 Dolls.
74-3943 Children's vehicles.
74-3949 Sporting and athletic goods, not elsewhere classified.
72-3951 Pens, mechanical pencils, and pen points.

MISCELLANEOUS MANUFACTURING INDUSTRIES—continued

72-3952 Lead pencils and crayons.
72-3953 Hand stamps, stencils, and brands.
72-3954 Artists' materials.
72-3955 Carbon paper and inked ribbons.
74-3961 Costume jewelry and costume novelties (except precious metal).
74-3962 Feathers, plumes, and artificial flowers.
74-3963 Buttons.
74-3964 Needles, pins, hooks and eyes, and similar notions.
74-3971 Fabricated plastics products, not elsewhere classified.
74-3981 Brooms and brushes.
42-3982 Cork products.
13-3983 Matches.
74-3984 Candles.
93-3985 Fireworks and pyrotechnics.
74-3986 Jewelry cases and instrument cases.
74-3987 Lamp shades.
72-3988 Morticians' goods.
72-3991 Beauty-shop and barber-shop equipment.
54-3992 Furs, dressed and dyed.
72-3993 Signs and advertising displays.

MISCELLANEOUS MANUFACTURING INDUSTRIES—continued

74-3994 Hair work.
74-3995 Umbrellas, parasols, and canes.
74-3996 Tobacco pipes and cigarette holders.
72-3997 Soda-fountain and beer-dispensing equipment.
44-3998 Models and patterns (except paper patterns).
74-3999 Miscellaneous fabricated products, not elsewhere classified.

ORDNANCE AND ACCESSORIES

44-1911 Guns, howitzers, mortars, and related equipment.
44-1921 Artillery ammunition.
44-1922 Ammunition loading and assembling.
44-1929 Ammunition, not elsewhere classified.
44-1931 Tanks and tank components.
44-1941 Sighting and fire-control equipment.
74-1951 Small arms.
74-1961 Small arms ammunition.
44-1999 Ordnance and accessories, not elsewhere classified.

[Item 9 added by Amdt. 1]

OPS Public Form No. 8

UNITED STATES GOVERNMENT
OFFICE OF PRICE STABILIZATION
WASHINGTON 25, D. C.

Form approved
Budget Bureau No. 94-5119

MANUFACTURER'S PRICE ADJUSTMENT REPORT
Pursuant to Ceiling Price Regulation 22

See the reverse side of this form for instructions.

The individual company information reported on this form is for use in connection with the defense mobilization program. Persons who have access to individual company information are subject to penalties for unauthorized disclosure.

Name of Firm	Address (Street and No.)	(City, Zone)	(State)	(Code for item 1)

1. Describe the Category or Product Line Covered by This Report	2. Give the Dates of the Base Period Used	3. Estimated 1950 Dollar Sales	4. Labor Cost Adjustment Factor
	From ____ To ____	$	

5. Materials Cost Adjustment Factor

(Complete this part if method 1, 3, or 4 is used)

Method 1 ☐ Method 3 ☐ Method 4 ☐ Adjustment Factor ____

(Complete this part if method 2 is used)

Adjustment Computed for Selected Commodity	Base Period Selling Price for This Commodity	Name of Commodity
$	$	

6. Price Adjustment Ratio ____ (for use only under Supplementary Regulation 2 to CPR 22)

7. Certification Regarding Proposed Ceiling Price Increases Over General Ceiling Price Regulation

I certify that no ceiling price calculated under the regulation for commodities covered by 1 above exceeds the GCPR ceiling price, except as listed in 8 below and I understand that an increase proposed below shall be effective 15 days after OPS receives this report, but not prior to May 28, 1951, unless I am notified by OPS that the price has been disapproved or that more information is required.

Notice: A willful false return is a criminal offense.

Signature of officer or authorized agent of firm	Title	Date

8. Proposed ceiling price increases

Name and specification of item (include physical unit priced) (a)	Class of customer and terms of sale (b)	Estimated 1950 dollar sales (c)	Base period price (d)	GCPR price (e)	Proposed price (f)	Proposed price as a percentage of GCPR price Col. (f) ÷ (e) (g)	Materials cost adjustment (method 2 only) (h)	(For OPS use only)

This form may be reproduced without change. (Attach continuation sheets as necessary. Identify columns with same letters used above.)

APPENDIX E

This appendix contains three "worksheets" for certain of the calculations required in determining ceiling prices under this regulation. No actual copies of such worksheets will be printed for distribution by OPS. They are shown only to indicate the content and arrangement of data appropriate for certain important calculations, for a record of these calculations for your own use, for examination by OPS representatives, and for submittal on request to OPS. Any other arrangement which presents the same data and calculations is acceptable.

The worksheets comprise: Worksheet 1, "Labor Cost Adjustment Worksheet," for use in connection with Sections 8 and 9; Worksheet 2, "Materials Cost Adjustment Worksheet for Methods 1 and 4," for use in connection with Sections 13 and 16; and Worksheet 3, "Materials Cost Adjustment Worksheet for Methods 2 and 3," for use in connection with Sections 14 and 15.

Note that the worksheets do not cover all necessary calculations under the regulation for which systematic working papers are necessary. For example, the final determination of a ceiling price will require also computation of actual adjustments (based on the adjustment factors), the addition of these to base period prices, and the application of customary differentials to determine prices to different classes of customers. Moreover, the worksheets are designed for the more usual situation and will not necessarily fit all special computations provided for by the regulations.

Worksheet 1
CPR 22

LABOR COST ADJUSTMENT WORKSHEET

Name of Firm.....
Street Address.....
City, postal zone, State.....

Instruction: One calculation, as shown below, may be made for the entire company or a separate calculation for each unit of the business, as provided in section 7 of the regulation.

1. Method used (check one)
   ☐ Entire company ☐ Unit located at ..... and identified as .....
2. Net sales for year ending .... $.....
3. Factory payroll for year covered in (2) ....
4. Labor cost ratio (line 3 divided by line 2) ....
5. Wage increase factor (from Supplement: Line G) ....
6. Labor-cost-adjustment factor (line 4 multiplied by line 5) ....

SUPPLEMENT: COMPUTATION OF WAGE INCREASE FACTOR

(The method indicated below need not be followed precisely. Some other method more suitable to your records and accounts may be used as provided in Section 8 of the regulation.)

A Base period payroll (See section 8 (c)) $....., (covering period from ..... to .....).
B Recomputation of payroll:

(a) Type of labor	(b) Hours included in base period payroll	(c) Hourly rate of pay as of 3/15, 1951	(d) Recomputed payroll (c) times (b)

C Total recomputed payroll without fringe benefits (total of column (d) in B) ..... $.....
D Value of increase in fringe benefits since base period payroll ....
E Recomputed payroll including increase in fringe benefits (line C plus line D) ....
F Excess of recomputed payroll over base payroll (line E minus line A) ....
G Wage increase factor (line F divided by line A) ....
Enter this amount in line 5 above.

Worksheet 2
CPR 22

MATERIALS COST ADJUSTMENT WORKSHEET FOR METHODS 1 AND 4

Name of Firm.....
Street Address.....
City, Postal Zone, State.....

Instruction: If you use Method 1 and your business has more than one plant you must make a separate calculation for each plant (or smaller unit if you prefer.) If you use Method 4, you must make a separate calculation for each product line or category.

COMPUTATIONS BELOW ARE UNDER: .....

1. (a) Method 1 (check and complete (1) or (2)):
   (1) ☐ for entire business consisting of one unit
   (2) ☐ for unit located at ..... and identified as .....
   (Name of unit)
   (b) Method 4 (check and complete (1) or (2)):
   (1) ☐ for product line identified as .....
   (2) ☐ for category identified as .....
2. Identify the Accounting Period used for this computation and corresponding sales data:
   (a) (1) For Method 1: Year ending .....
   Month, day, year
   (2) For Method 4: Period beginning on ..... and ending on .....
   Month, day, year Month, day, year
   (b) Net Sales for above period for category, product line, or other unit indicated in (1) $.....
3. Indicate the base period used for determining material costs (section 4): From ..... to .....
4. Changes in Materials Costs

(a) Material used during accounting period	(b) Physical amount of material used during accounting period	(c) Cost per unit at end of base period	(d) Cut-off date used (Dec. 31, 1950 etc.—specify)	(e) Cost per unit at cut-off date	(f) Change in net cost per unit (e)—(c)	(g) Dollar cost increase (f)×(b)	(h) Subsection(s) of sec. 18 used for determining costs per unit for end of base period and cut-off date

5. Aggregate dollar cost increase (total of increases minus total of decrease in col. g of 4) .....
6. Materials cost adjustment factor (divide figure derived in 5 above by Net Sales shown in 2 (b) above) .....

Worksheet 3
CPR 22

MATERIALS COST ADJUSTMENT WORKSHEET FOR METHODS 2 AND 3

Name of Firm .....
Street Address .....
City, Postal Zone, State .....

Instruction: If you use Method 2 you must make a separate calculation for each commodity. If you use Method 3, then the calculation must be for the best selling commodity in the product line which is to be priced.

1. (a) Method used:
   (1) ☐ Method 2 (complete b).
   (2) ☐ Method 3 (complete b and c).
   (b) If Method 2 is used insert name of commodity. If Method 3 is used insert name of best selling commodity. Commodity .....
   (c) If Method 3 is used describe the product line .....
2. Indicate the base period used for determining material costs (see section 4): From ..... to .....
3. Changes in materials cost

(a) Material used	(b) Physical amount of material used in one unit of the commodity	(c) Cost per unit at end of base period	(d) Cut-off date used (Dec. 31, 1950, etc.—specify)	(e) Cost per unit at cut-off date	(f) Change in net cost per unit (e)—(c)	(g) Dollar cost increase (f)×(b)	(h) Subsection(s) of sec. 18 used for determining costs per unit for end of base period and cut-off date

4. Materials cost adjustment (total of increases minus total of decreases in column (g) of 3) (this is the final result under Method 2) ..... $.....
5. Materials cost adjustment factor (For Method 3 only):
   (a) Base period price per unit for commodity named in 1 (b) ..... $.....
   (b) Divide result obtained in 4 by entry for 5a (this is the final result under Method 3) ....

[F. R. Doc. 51-8814; Filed, July 27, 1951; 12:20 p. m.]

[Ceiling Price Regulation 22, Amendment 18]

CPR 22—Manufacturers' General Ceiling Price Regulation

Definition of Manufacturer; Addition to Appendix

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 22 is hereby issued.

Statement of Considerations

A number of inquiries received by the Office of Price Stabilization indicates that there is some confusion as to whether rebuilders of machinery and other commodities are "manufacturers" covered by Ceiling Price Regulation 22. This amendment adds to the definition of "manufacturer" to make it clear that rebuilders and other similar processors of used manufactured commodities are not covered.

When a supplementary regulation was issued recently covering the paint, varnish and lacquer industry under Ceiling Price Regulation 22, with certain alternative pricing methods, the existing exemption of these products from Ceiling Price Regulation 22 was removed in a parallel action. This was accomplished by striking out from Appendix A of Ceiling Price Regulation 22 the words "paints, varnishes and lacquers". In addition to removing the exemption, however, that amendment had the further effect of placing these raw materials in the same category as others unlisted in the Appendix, with the result that the change in the cost of these manufacturing materials could be calculated only up to December 31, 1950, instead of March 15, 1951 as hitherto. This amendment restores the March 15, 1951 cut-off date by listing paints, varnishes and lacquers in Appendix B.

Amendatory Provisions

Ceiling Price Regulation 22 is amended in the following respects:

1. Section 47 is amended to add the following sentence to the definition of "manufacturer": "If you merely rebuild, recondition, renovate, renew or otherwise restore a used commodity, you are not a manufacturer with respect to such commodity."

2. Appendix B is amended to add item 8, as follows:

(8) Paints, varnishes, and lacquers.

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall become effective August 1, 1951.

Michael V. DiSalle,
Director of Price Stabilization.

July 27, 1951.

[F. R. Doc. 51-8813; Filed, July 27, 1951; 12:20 p. m.]

[Ceiling Price Regulation 22, Amendment 19]

CPR 22—Manufacturers General Ceiling Price Regulation

Exemption of Ice

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 19 to Ceiling Price Regulation 22 (16 F. R. 3562) is hereby issued.

The accompanying amendment exempts ice from the coverage of Ceiling Price Regulation 22. This amendment is a complement to Supplementary Regulation 45 to the General Ceiling Price Regulation and the Statement of Considerations preceding that Supplementary Regulation is made applicable to the present amendment.

Amendatory provision. Paragraph (c) of Appendix A to Ceiling Price Regulation 22, as amended, is amended by the addition thereto of the following:

(25) Ice.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective August 1, 1951.

Michael V. DiSalle,
Director of Price Stabilization.

July 27, 1951.

[F. R. Doc. 51-8812; Filed, July 27, 1951; 12:20 p. m.]

[Ceiling Price Regulation 11, Amendment 4]

CPR 11—Restaurants

Miscellaneous Amendments

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 11 is hereby issued.

Statement of Considerations

This amendment to Ceiling Price Regulation 11 is issued for the purpose of clarifying the scope of the restaurant regulation and to make the regulation administratively more practical and effective.

The definition of restaurants is reworded in order to make it clear that a restaurant is a place where meals, food items or beverages are sold and served for consumption on or about the premises, and that an establishment which sells food products solely for off-premise consumption is not a restaurant subject to this regulation. However, if an establishment sells meals, food items or beverages for consumption on or about the premises, then all the sales of meals, food items or beverages, whether consumed on or off the premises, are covered by this regulation. For example, where a restaurant sells meals "to-go", as parts of its regular restaurant operation, the sale of meals for off-premises consumption is covered by this regulation. Consistent with the definition of restaurant, a definition of the words "sell" and "sales" has been added to show that these words are used as convenient terms for designating the transactions of restaurants with their customers but that the basic nature of restaurants as service establishments rather than retail establishments, is recognized. Definitions of beverages and food items have also been added to clarify the regulation.

Since the issuance of CPR 11, administrative difficulties have arisen as to the method to be used in determining the "food cost per dollar of sales" by many combination establishments selling other items besides food, which have not maintained separate records showing their food costs and sales. In such cases, the Office of Price Stabilization has issued an interpretation to the effect that such combination establishments will compute their "food cost per dollar of sales" ratio by using gross cost and gross sales of the entire operation. It has become apparent, however, that many irrelevancies are inherent in computing a "food cost per dollar of sales" ratio for the restaurant operation by using the gross cost and gross sales of the food and non-food items. This amendment, therefore, provides a method for computing "food cost per dollar of sales" ratio where an establishment is engaged in a selling or service operation in addition to the serving of meals, food items and beverages for consumption on or about the premises and where separate records showing the cost and sales of the restaurant operation were not kept during the base period.

In the formulation of this amendment, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

Amendatory Provisions

Ceiling Price Regulation 11 is amended in the following respects:

1. Section 1 is amended to read as follows:

Section 1. *What this regulation does.* (a) This regulation establishes a method of fixing ceiling prices for meals, "food items" and beverages served by "restaurants". These ceiling prices supersede those established by the General Ceiling Price Regulation.

(b) The term "restaurant", when used in this regulation, means any place, established or location, whether temporary or permanent, where any meals, "food items" or beverages are sold and served for consumption on or about the premises. If you sell any meals, "food items" or beverages for consumption on or about the premises, then all of your sales of meals, "food items" or beverages, whether consumed on or off the premises, are covered by this regulation. The term "restaurant" includes but is not limited to hotels (including room service), taverns, cafes, cafeterias, delicatessens, soda fountains, boarding houses, catering establishments, athletic stadiums, field kitchens, lunch wagons and hot dog carts.

2. Section 3 is amended by adding a new paragraph (g) to read as follows:

(g) *Combination establishments.* If, during the base period, you operated an establishment which not only sells meals, "food items" or beverages but also sells other commodities, products or services, you shall compute your "food cost per dollar of sales" ratio in the following manner:

(1) If, during your base period, you kept separate records of your costs and your sales of meals, "food items" and beverages, your base period ratio and your current ratio shall be computed on the basis of the separate records.

(2) If, during your base period, you did not keep separate records of your costs and sales of meals, "food items" and beverages, but your sales of other products, commodities or services were merely incidental to your restaurant operation, your base period ratio and your current ratio shall be computed on the basis of your total costs and your total sales.

Example: If you sell a pie for off-premise consumption as an incidental part of your restaurant operation, the cost and sale of the pie is to be included in determining your food cost ratio.

(3) If, during the base period, you did not keep separate records for your costs and your sales of meals, "food items" or beverages and your sales of other products, commodities or services were not merely incidental to your restaurant operation, your food cost ratio, on and after August 1, 1951, shall be computed in accordance with the provisions of section 6 (b) and you shall comply with the reporting and record keeping requirements of section 6 (d) (2). If you sell fungible products, such as potato salad, both as a restaurant sale and as a sale other than a restaurant sale and the costs attributable to your restaurant sales cannot be kept separately, you shall include in your food cost ratio the total cost and the total sales of the fungible products which are made both as a restaurant sale and as a sale other than a restaurant sale. However, if you operate an establishment which sells dry groceries and other non-fungible food and you also operate a restaurant, you must segregate the cost and sales of the dry groceries from the food cost and sales of the restaurant even though some of the dry groceries may be used in the sale or service of meals, "food items" and beverages in your restaurant operation.

3. A new section 14 is added to read as follows:

SEC. 14. *Definitions.* (a) The words "you" and "your" used in this regulation refer to any person who owns or operates a restaurant and includes the United States, any agent thereof, any other government, or any of its subdivisions, and any agency of the foregoing.

(b) "Beverages" means alcoholic and non-alcoholic beverages which are normally sold by the drink for consumption on or about the premises.

(c) "Food item" means an article or individual portion of food such as is normally sold or served by a restaurant for consumption on or about the premises or to be taken out for consumption without change in form or additional preparation.

(d) "Sell", "sale", etc., include the service of food or beverages for a consideration for consumption on or about the premises.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date: This amendment is effective August 1, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 27, 1951.

[F. R. Doc. 51-8815; Filed, July 27, 1951; 5:15 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 45]

GCPR, SR 45—ADJUSTMENT OF CEILING PRICES FOR ICE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency Order No. 2 (16 F. R. 738), this Supplementary Regulation to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATION

This regulation establishes procedures and standards under which adjustments may be made in the ceiling prices of sellers of natural and manufactured ice.

Ice is an essential commodity to many millions of families and to thousands of institutional and industrial establishments. Yet, there are many communities in which there is a distinct possibility of a shortage of ice due to the threatened closing of ice plants. Many such plants are faced with serious financial hardship and do not have sufficient capital to weather anything but very short periods of financial loss. This hardship is due to a combination of circumstances extending over a period of time. Volume decline of the industry since 1946 due to competitive factors and weather conditions has resulted in higher unit costs. Generally speaking, the operating margins of the industry have been relatively low for several years and, as a consequence, many companies have little or no margin available for absorbing cost increases.

Ice prices were originally placed under control upon the issuance of the General Ceiling Price Regulation. Ice manufacturers and harvesters were later included under the Manufacturers' General Ceiling Price Regulation (CPR 22). The former regulation fails to recognize seasonal price patterns. A substantial number of ice sellers customarily have low winter prices and higher summer prices and the freeze period, therefore, was one of low prices which, under the best circumstances, are probably inadequate for round-the-year operations. The cost increases recognized by the Manufacturers' General Ceiling Price Regulation represent only a relatively small proportion of total cost in ice manufacturing and distribution. Moreover, prices for sales to ultimate consumers are not covered by the latter regulation, so that the over-all relief, to compensate for higher costs incurred since pre-Korea, is negligible.

While it is the policy of the Office of Price Stabilization to issue as quickly as possible regulations tailored to the characteristics of specific industries, issuance of such a regulation for the ice industry is not now feasible. The manufacture of ice is typically carried on by small, local companies because the distribution of ice is limited by the bulk and perishability of the product. Prices vary drastically from one market to another, the price range for sales to domestic users in the larger cities running from 60 cents to $1.30 per cwt. This variation is due, in large part, to cost factors which are related to the volume of business and density of population. Because of the localized character of this industry, an over-all regulation prescribing uniform prices for the country, or even for regions, would not be appropriate and a tailored regulation would have to allow for individual price adjustment for local areas. However, the burden of collecting the necessary data to support such a regulation is great and the time of high consumption is at hand.

In view of the urgency of the situation in terms of the necessity for maintaining supplies of an essential commodity, the Director has concluded that the most effective means of dealing with the problem is to authorize local adjustments in ceiling prices. Adjustments in prices will be made in those cases in which it is shown that a manufacturer or harvester is currently suffering a net loss or earning such low net profits that, if his operations should continue on that basis for a substantial period, he would not be able to continue to meet local demands for ice. In determining the amounts of adjustments, consideration will be given to prevailing prices and to the amounts by which ice prices were increased generally between the Korean outbreak and the issuance of the General Ceiling Price Regulation. Provision will be made, in addition, for adjustment in appropriate cases of the

ceiling prices of those who purchase ice from such manufacturers or harvesters for resale.

It is planned to delegate to Regional Directors of the Office of Price Stabilization authority to make the adjustments provided for by this regulation, and Regional Directors will in turn be authorized to redelegate their authority to District Directors. Applications for adjustments will in most cases, however, be required to be filed with District offices.

By a separate action effective on the same day as this regulation the manufacture of ice will be removed from the coverage of CPR 22.

Findings of the Director. In the judgment of the Director of Price Stabilization the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950; to parity prices and the other minimum requirements of the law including prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

To the extent practicable, persons representing important segments of the industry have been consulted in the preparation of this regulation and their recommendations have been fully considered.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Who may apply for an adjustment.
3. How to apply for an adjustment.
4. When an adjustment will be granted.
5. Who may disapprove an adjustment.
6. Continued applicability of General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *What this regulation does.* This regulation establishes a procedure for and standards under which ice manufacturers' and harvesters' ceiling prices and the ceiling prices of those who purchase ice from them for resale may be adjusted.

SEC. 2. *Who may apply for an adjustment.* You may apply for an adjustment under this regulation if you are a manufacturer or harvester of ice. In making your application you may also request that provision be made for adjustment of the ceiling prices of those who purchase ice from you for resale.

SEC. 3. *How to apply for an adjustment.* Despite the provisions of Article III of Price Procedural Regulation 1, you must, in order to apply for an adjustment under this regulation, write to the Director of the District Office of Price Stabilization for the District in which the plant for which you are seeking a price adjustment is located. If, however, the ice business of the plant involved cuts across more than one District, you will have to write to the appropriate Regional Director. Moreover, in any case in which that business cuts across more than one Region, you will have to write to the Director of Price Stabilization, Washington 25, D. C. You may apply on a form obtainable from any District Office. Whether or not you use the form, you must, in addition to requesting an adjustment, give the following information:

(a) The prices at which you were selling ice on June 24, 1950;

(b) Your ceiling prices under the General Ceiling Price Regulation;

(c) A profit and loss statement in relation to your ice business for your most recent fiscal year, but (1) if you have no profit and loss statement, then a statement of your expenditures and income in relation to such business as reported and reflected in your most recent federal income tax return, or (2) if you have no separate accounts for ice, a statement of expenditures and income for your overall operations and an estimate of the expenditures and income attributable to your ice business;

(d) The dates and amounts of any price changes you have made since the beginning of your most recent fiscal year;

(e) The dates and amounts of any wage or salary increases you have granted since the beginning of your most recent fiscal year;

(f) The tonnage of ice you sold during your most recent fiscal year, and an estimate of your sales to each class of purchaser; and

(g) A statement of your customary seasonal price changes during your most recent fiscal year.

SEC. 4. *When an adjustment will be granted.* (a) An adjustment in your ceiling prices will be granted whenever the Director or his authorized representative finds, on the basis of the information you have supplied and such other information as may become available to him, that:

(1) You are currently suffering a loss on your net sales of ice or that the level of your earnings on such sales is such that if you should have to continue for a substantial period to sell ice at the prices established by the General Ceiling Price Regulation, a threat will arise that you will not be able to continue to supply ice in the area involved;

(2) That the financial position in which you find yourself is not substantially attributable to temporary, nonrecurring factors or to some factor other than your ceiling prices, and

(3) That the granting of the adjustment will not be inconsistent with the purpose of the Defense Production Act of 1950.

(b) If it is found that your ceiling prices should be adjusted, the amount of adjustment will be such as the Director or his authorized representative determines to be necessary in order to enable you to continue to supply ice in the area of your operation. However, in determining the amount of adjustment, the Director or his authorized representative will consider prevailing prices for ice in your area and the amounts by which ice prices were increased generally between the outbreak of the Korean war and the issuance of the General Ceiling Price Regulation.

(c) Whenever your ceiling prices are adjusted under this regulation, the Director or his authorized representative will, if you have requested it and to the extent it appears necessary, authorize those purchasing ice from you for resale to increase their ceiling prices by adding to the latter prices the dollar-and-cents difference between your ceiling price under the General Ceiling Price Regulation and your new adjusted price.

SEC. 5. *Who may disapprove an adjustment.* The Director of Price Stabilization or his designee may disapprove an adjustment made by one of his authorized representatives whenever he finds that the adjustment was not a proper one under this regulation. However, if he finds that an adjustment is nevertheless warranted under this regulation, he may order a new superseding adjustment.

SEC. 6. *Continued applicability of General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation, except as modified by this supplementary regulation, continue to apply to you even though you may be authorized under this regulation to adjust your ceiling prices.

Effective date. This regulation shall become effective August 1, 1951.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 27, 1951.

[F. R. Doc. 51-8811; Filed, July 27, 1951; 12:19 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-38, Amendment of July 26, 1951]

M-38—LEAD

This amendment to NPA Order M-38, as amended May 28, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this amendment has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of users in different trades and industries.

This amendment affects NPA Order M-38 as follows:

1. Section 1 shall be deleted and the following substituted therefor:

SECTION 1. *What this order does.* This order establishes limitations on the use of lead and lead products, places limitations on lead scrap toll agreements, and on inventories of pig lead, lead-base alloys, and lead products. It also explains the conditions under which reports are required in connection with production, receipt, shipment, use, and inventories, of lead and materials containing lead.

2. Sections 4 and 5 shall be deleted and sections 6 and 7 shall be renumbered as sections 4 and 5.

3. Section 8 shall be deleted and sections 9 to 13, inclusive, shall be renumbered as sections 6 to 10, inclusive, respectively.

4. The words "lead chemicals containing 50 percent or more lead by weight, and" in paragraph (d) of section 3 shall be deleted.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.)

This amendment shall take effect on September 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8789; Filed, July 26, 1951; 4:57 p. m.]

[NPA Order M-8, as Amended July 26, 1951]

M-8—TIN

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to section 101 of the Defense Production Act of 1950. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order as amended has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

NPA Order M-8 is amended by making certain changes in sections 1, 5, 7, 8, and 11, and in Schedules I, II, and III.

Sec.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It restricts the use of pig tin in manufacture, processing, and construction. It prohibits all uses of pig tin, secondary tin, and certain tin-bearing products not expressly set forth in the attached Schedules I through VII. In addition, many of the permissible uses included in the Schedules I through VII are prohibited in connection with the manufacture of the items or for the purposes set forth in List A. The order also sets forth limitations on inventories of pig tin and alloys and other materials containing tin, and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. In addition, it covers the conditions under which reporting is required in connection with the customs entry of tin importation. It prohibits the private importation of pig tin and places pig tin under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued monthly by the National Production Authority. It is the intent of this order that other materials which are not in short supply will be substituted for tin and alloys and other materials containing tin wherever possible.

SEC. 2 *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to melt, put into process, machine, fabricate, cast, roll, turn, spin, coat, extrude, or otherwise alter pig tin, alloys containing tin, or other materials containing tin, by physical or chemical means and includes the use of tin and alloys and other materials containing tin in plating, and in chemical compounding and processing. It does not include the use of tin contained in any "in process" materials or any other materials not actually to be incorporated into the items to be manufactured, such "in process" materials and other materials being included under paragraphs (d) and (e) of this section.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality, or design.

(e) "Operating supplies" means any tin or alloy or other material containing tin normally carried by a person as operating supplies according to established accounting practice and not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

(g) "Pig tin" means metal containing 95 percent or more by weight of the element tin, in shapes current in the trade, including anodes, small bars, and ingots, but excluding the products specifically listed in Section IV of report Form NPAF-7.

(h) "Secondary tin" means any alloy, produced from scrap, which contains less than 95 percent but not less than 1.5 percent by weight of the element tin.

(i) For the purpose of the reporting requirements relating to imports stated in section 14 (b) of this order, "tin" means pig tin and tin in any raw semi-finished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value) in any raw, semi-finished, or scrap form. This includes, but is not limited to, the following:

Babbitt metal and solder	6506.100
Alloys and combinations of lead, not in chief value lead (including lead, antimony, and white metal)	6506.900
Type metal	6507.000
Tin bars, blocks, pigs, grained or granulated	6551.300
Tin metallic scrap (except alloyed scrap)	6551.500
Tin alloys, chief value tin n. s. p. f. (including alloyed scrap)	6551.900
Tin dross, skimmings, and residues	6740.170
Tin foil less than 0.006 inch thick	6790.710
Tin powder, flitters, and metallics	6790.720
Tin bichloride, tin tetrachloride, and other chemical compounds, mixtures, and salts, tin chief value (including tin oxide)	8380.920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (August 1, 1950 edition).

(j) "Copper-base alloy" for the purpose of this order means any alloy containing tin in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy.

(k) "Scrap" means all materials or objects which are the waste or by-products of industrial fabrication or which have been discarded for obsolescence, failure, or other reason, and which contain tin or alloys or other materials containing tin in a form making such scrap suitable for industrial use.

(l) "Soldering" means joining with solder. This term does not include dipping or solder-coating in which the joining operation is not performed simultaneously with such dipping or coating. (For dipping or coating see Schedule IV and Schedule VII, item 13).

(m) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles, and radio and radar equipment), and any parts, assemblies, or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" or any other materials not actually to be incorporated into the items described above.

SEC. 3. *Application of order.* Subject to the exemptions stated in section 10, this order applies to all persons who produce tin or alloys or other materials containing tin, or who use tin or alloys or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisions stated in section 14 of this order apply to persons who produce, distribute, or hold in their possession pig tin, or who import tin.

SEC. 4. *Restrictions on use of pig tin and alloys and other materials containing tin.* Subject to the exemption in section 10 of this order, or unless specifically directed by the National Production Authority:

(a) No person shall use pig tin for any purpose where secondary tin can be used.

(b) No person shall use any pig tin, secondary tin, solder, babbitt, copper-base alloy, or other alloy containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin, in the manufacture, treatment, installation, or construction of any item or product, or in any process, or for any purpose, except those set forth in the attached schedules and to the extent permitted thereby. Uses not expressly authorized by said schedules are prohibited.

(c) No person shall use tin in any form specified in paragraph (b) in the manufacture of any item or in any process set forth in List A, even though such use might otherwise be permissible under paragraph (b): *Provided, however,* That this prohibition will not apply to the use of solder for joining purposes to the extent permitted in attached Schedule II.

(d) In addition to the restrictions set forth in the attached schedules, no person shall use: (1) In the manufacture of any product or for any purpose as to which the attached schedules limit tin content, any alloys or other materials having a tin content greater than that being used by such person in such manufacture or for such purpose on January 27, 1951; (2) in the coating of any item, a heavier coating in terms of tin content than that being used by such person for such purpose on January 27, 1951; or (3) any metal to which pig tin has been added to produce any product or perform any process for which the use of pig tin is not permitted in the schedules.

SEC. 5. *Limitations on use of pig tin.* Subject to the restrictions in section 4 of this order, or unless specifically directed by the National Production Authority, during the calendar quarter commencing July 1, 1951, no person shall use in the manufacture, processing, installation, construction, or treating of any item or product a total quantity by weight of pig tin in excess of 90 percent of his average quarterly use of pig tin for such purposes during the base period except as modified in Schedule IV and Schedule VI–B of this order: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted quarterly use.

SEC. 6. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, no person shall use for maintenance, repair, and operating supplies during the calendar quarter commencing July 1, 1951, or any calendar quarter thereafter, a quantity by weight of pig tin in excess of 100 percent of his average quarterly use of pig tin for such purposes during the base period: *Provided, however,* That his use of pig tin for such purposes shall be in accordance with, and only to the extent permitted in, the attached schedules, and that no pig tin shall be used for such purposes where secondary tin can be used.

SEC. 7. *Allocation of pig tin.* (a) No person shall deliver pig tin or accept delivery of pig tin for any purpose in any month except in accordance with the terms of an allocation authorization issued for such month by the National Production Authority. An allocation authorization will be sent by the National Production Authority to the appropriate supplier and the purchaser will be notified of the issuance thereof. The authorization will permit the supplier to make delivery pursuant to the purchaser's order within the limitations of the authorization. The National Production Authority may specifically direct the purposes for which a person may use pig tin in the manufacture, processing, installation, treating, or construction of any item or product, whether or not such pig tin has been directly allocated to such person. A person who has received pig tin pursuant to an allocation for the purpose of resale may dispose of such pig tin only by resale. The issuance of an allocation authorization by the National Production Authority shall not dispense with the necessity of complying with the requirements of section 8 of this order with regard to certification.

(b) An application for an allocation authorization must be filed with the National Production Authority by the proposed purchaser on Form NPAF–7 not later than the twentieth day of the month preceding the month in which delivery is sought, and such application shall separately indicate the quantity of pig tin requested for use and the quantity requested for resale.

(c) No person shall deliver any pig tin if he knows, or has reason to believe, that the person requesting delivery is not permitted to receive it under this order or will use it for purposes not permitted by this order.

(d) The provisions of paragraph (a) of this section shall not apply to any: (1) delivery of pig tin to the Reconstruction Finance Corporation or the General Services Administration for the stockpile of strategic materials; (2) delivery of pig tin pursuant to specific directives of the National Production Authority; (3) delivery of pig tin to any person whose total receipts during the month in which such delivery occurs are and by such delivery will remain less than 6,000 pounds, and who has not received an allocation authorization for pig tin for that month, and who furnishes to the supplier a signed certification in substantially the following form:

> The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that receipt of this shipment of pig tin in the month requested is permitted by NPA Order M–8; that no allocation authorization for pig tin for that month has been issued to the undersigned by the National Production Authority; that his total receipt of pig tin in that month, including that covered by this order, will not exceed 6,000 pounds; and that the pig tin herein ordered will be used only for the purposes permitted by NPA Order M–8 (Schedule _____, Item _____) as follows:[1]
>
> _____
> (Specify end use)

Any person who furnishes the foregoing certification shall not be required to furnish, with respect to pig tin, the certification required by section 8 of this order.

SEC. 8. *Certification.* (a) No person shall sell or deliver and no person shall purchase or accept delivery of any pig tin, secondary tin, solder, babbitt, or any other alloys or materials containing 1.5 percent or more tin (excluding ores and concentrates) until the purchaser has furnished a signed certification in substantially the following form:

> The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the tin or tin product herein ordered will be used only for the purposes permitted by NPA Order M–8 (Schedule____, item____) as follows:[1]
>
> _____
> (Specify end use)

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached schedules or for "implements of war," or for resale without change in

[1] In cases coming within the exemption stated in section 10, substitute the phrase "implements of war" for the reference to Schedule and item. Where the tin or tin products are purchased for resale without change in form (other than packaging), substitute the phrase "for resale upon proper certification."

form (other than packaging), and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

(b) This certification shall not be required in connection with the delivery of: (1) tin to the General Services Administration for the stockpile of strategic materials; (2) tin or tin-bearing items or products pursuant to a specific authorization of the National Production Authority; (3) solder in lots not exceeding 2 pounds, if in wire form, solid or cored, not over 5/32 inch in diameter, and containing no more than 40 percent tin by weight; (4) solder in lots not exceeding 5 pounds, if in any other form and containing not more than 35 percent tin by weight; (5) babbitt for bearing purposes containing 10 percent or less tin; (6) babbitt for bearing purposes of any specifications in lots of 5 pounds or less; (7) printing plates and type metal containing tin for use by the printing, publishing, and related services industries; (8) liquor-finished wire; or (9) copper-base alloy scrap containing not more than 6 percent tin by weight when delivered to a scrap dealer, brass mill, or smelter. Such scrap when delivered to any other person and all other scrap containing 1.5 percent or more tin by weight may be delivered only upon proper certification by the purchaser.

(c) No person giving a certification under this section may receive, use, or dispose of the materials obtained upon such certification contrary to its terms.

SEC. 9. *Defense orders for items containing tin.* Notwithstanding the provisions of NPA Reg. 2 which establishes a priorities system, rated orders calling for items containing tin are subject to the provisions of sections 4, 5, 6, and 8 of this order unless within the exemption provided in section 10 or unless otherwise directed by the National Production Authority.

SEC. 10. *Exemption.* The restrictions of section 4 of this order shall not apply to the manufacture of "implements of war" produced for the Department of Defense, Atomic Energy Commission, United States Coast Guard, and the National Advisory Committee for Aeronautics, provided that the use of tin contrary to these restrictions is required either by the latest applicable specifications or drawings, or by letter or contract issued by any such government agency for which the "implements of war" are being produced.

SEC. 11. *Inventories.* In addition to the inventory provisions of NPA Reg. 1, it is considered that a more exact requirement applying to users of pig tin or alloys or other materials containing tin (excluding ores and concentrates) is necessary.

(a) No person obtaining any such materials for use in manufacture, processing, or construction, or for maintenance, repair, or operating supplies, shall receive or accept delivery of a quantity of the materials listed in Column A below from domestic sources, if his inventory of such materials is, or by such receipt would become, more than the smallest quantity which will be required by his scheduled method and rate of operation to be put into use for such purposes during the next succeeding period specified in the corresponding section of Column B below, or (except for pig tin) in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less:

Column A	*Column B*
1. Pig tin for tin plate	1. 120 days
2. Pig tin for all other uses	2. 60 days
3. Lead-base alloys	3. 45 days
4. All other materials and alloys containing 1.5 percent or more tin	4. 60 days

For the purpose of this section, any such materials in which only minor changes or alterations have been effected shall be included in inventory.

(b) Section 10.11 of NPA Reg. 1, entitled "Imported materials" will continue to apply. The other provisions of that regulation will continue to apply except as modified by this section.

(c) No scrap dealer shall accept delivery of any form of scrap defined in section 2 of this order, unless, during the 60 days immediately preceding the date of such acceptance, he shall have made delivery or otherwise disposed of scrap to an amount at least equal in weight to his scrap inventory on the date of such acceptance, exclusive of the delivery to be accepted.

SEC. 12. *Export certificates.* Any purchaser of an item included in the attached schedules who intends to export such item from the United States, its territories or possessions, or from Canada, shall include in the certification required under section 8 of this order the words "for export" as well as the number of the export license applicable to such item. No item may be produced for export unless its manufacture is permitted under the provisions of section 4 of this order.

SEC. 13. *Importation of pig tin.* Commencing on the effective date of this order, no person other than the Reconstruction Finance Corporation acting for and in behalf of the General Services Administration, shall import into the United States, its territories or possessions, any quantity of pig tin in bars, blocks, pigs, grain or granulated (Item 6551.300 Statistical Classification of Imports into the United States, dated August 1, 1950), except as specifically authorized in writing by the National Production Authority: *Provided, however,* That this prohibition shall not apply to any private importation pursuant to a contract executed prior to the effective date of this order, which is reported to and approved by the National Production Authority on or before March 23, 1951. The report of such contracts shall be by letter in duplicate addressed to the National Production Authority, Washington 25, D. C. (Ref: M-8), stating the date of execution of the contract, the parties thereto, the approximate date or dates of arrival, and the quantity and brand or brands of the material to be imported.

SEC. 14. *Reports and records.* (a) *Reports on pig tin.* (1) Any person using 1,000 pounds or more of pig tin in any calendar month must complete and file report Form NPAF-7 with the National Production Authority on or before the twentieth day of November 1950, and on or before the twentieth day of each succeeding month with respect to such use during the preceding month.

(2) Any person who on any day of any calendar month has in his possession or under his control 1,000 pounds or more of pig tin must complete and file report Form NPAF-7 with the National Production Authority on or before the twentieth day of November 1950, and on or before the twentieth day of each succeeding month with respect to such possession or control on the last day of the preceding month.

(3) Any person who produces, imports, or distributes any pig tin must report his production, entries, receipts, deliveries, inventories, balance of entries, and all other transactions in pig tin either by completing and filing report Form NPAF-7, or by letter in triplicate with the National Production Authority, on or before the 20th day of November 1950, with respect to all such operations and transactions during October 1950, and on or before the tenth of December and on or before the tenth day of each succeeding month with respect to all such operations and transactions during the preceding month.

(b) *Reports on Customs Entry.* No tin including, without limitation, tin imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency, or corporation, shall be entered through the United States Collectors of Customs, unless the person making the entry shall complete and file, with the Collector of Customs, Form NPAF-8. The filing of such form a second time shall not be required upon any subsequent entry of the same material through the United States Collectors of Customs; nor shall the filing of such form a second time be required upon the withdrawal of such material from bonded custody of the United States Collectors of Customs, regardless of the date when such material was first transported into the continental United States. Form NPAF-8 will be transmitted by the Collectors of Customs to the National Production Authority.

(c) *Records.* (1) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the

form of microfilm or other photographic copies instead of the originals.

(2) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(3) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

(d) *Submission of reports.* All reports required by this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8, together with such number of copies as may be specified in the report form.

SEC. 15. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect, except as otherwise specifically stated, on July 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

(See Section 4)

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal, or other similar tin-bearing alloys.
4. Buckles.
5. Buttons.
6. Chimes and bells.
7. Coated paper.
8. Emblems and insignia.
9. Fasteners as follows: book match clips and staples, paper clips, spiral binders, office staples, and paper fasteners.
10. Jewelry.
11. Novelty souvenirs and trophies.
12. Ornaments and ornamental fittings.
13. Hollowware.
14. Plating and coating for decorative purposes.
15. Powder for decorative purposes.
16. Refrigerator trays or shelves (all types).
17. Seals and labels.
18. Slot, game, and vending machines.
19. Tablets, markers, and memorials.
20. Tin oxide (except for the purposes and to the extent set forth in Schedule VI).
21. Toys and games.
22. Zinc galvanizing.
23. All other ornamental or decorative purposes.

SCHEDULES

(See section 4)

SCHEDULE I—BRASS AND BRONZE

Alloys containing 1.5 percent or more by weight of tin may be processed for the following purposes only	*Maximum permissible tin content of alloys (percent by weight)*
A. CAST COPPER-BASE ALLOYS	
(1) Piston rings for locomotives and for airbrake equipment	(1) 20.
(2) Bridge trunnion bearings, bridge bearing plates, railroad and bridge turntable bearing discs, mill stand screw down nuts.	(2) 18.
(3) Jack nuts, feed nuts, and elevating nuts	(3) 14.
(4) High ratio worm gears, fire engine pump gears, thrust washers or discs, machine tool spindle bearings.	(4) 12.
(5) Hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, collector rings, bearings, bushings, and chemical process valves.	(5) 10.
(6) Bearings produced by the process of powder metallurgy	(6) 10.
(7) Steam industrial and aircraft valves, fittings, and specialties.	(7) 6.5.
(8) All other castings	(8) 6.
B. WROUGHT ALLOYS	
(1) Telephone drop wire, condenser tubes, engine beater bars, jordan bars, ductor blades, fourdrinier wire, and screen plates.	(1) 8.
(2) Manufacture of discs and diaphragms for industrial control instruments, bronze welding rods, and rifle nuts in air hammers.	(2) 10.
(3) For use as bearings, spectacle wire, and functional parts in all other items (except items in List A).	(3) 5.5.
(4) All other (except items in List A)	(4) 2.
C. COPPER NICKEL ALLOYS	
(1) Seats, discs, and bearing surfaces of steam and industrial valves.	(1) 13.

SCHEDULE II—SOLDERS

Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV, and item 13, Schedule VII.)	*Maximum permissible tin content of solder (percent by weight)*
(1) For soldering side seams in the manufacture of cans made with either lock or lap side seams with a combination of lock or lap seams.	(1) 5.
(2) For soldering end seams of all solder seam cans	(2) 26.
(3) For the sealing of milk cans	(3) 21.
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes.	(4) 20.
(5) Radiators	(5)
(i) All cellular type radiators (average per radiator)	(i) 21.
(ii) All fin and tube type radiators for military and civilian use (average per radiator).	(ii) 30.
(iii) Wire solder not over 5/32 inch in diameter for the hand repair of radiators	(iii) 40.
(6) For all soldering on the following: railroad car and truck refrigeration; refrigeration equipment inside refrigeration compartments; aluminum refrigeration condensers; aircraft motors; diesel and electric generators; electric-traction motors; generators for railroads, street cars, mine locomotives, railway locomotives, and busses (including the dipping of commutator segments).	(6) Unlimited.
(7) Electrical precision instruments; meters, recording and indicating; dairy equipment; food processing equipment; and hospital and sterilizing equipment.	(7) 50.
(8) Tin-zinc solders for soldering aluminum foil condensers, and tin-lead solders for soldering printed circuits.	(8) 60.
(9) For other hand soldering operations done either with a soldering iron or with a torch and wiping.	(9) 40.
(10) For any other soldering operations	(10) 35.

SCHEDULE III—BABBITT

Pig or secondary tin may be used to make babbitt metal or alloys used as babbitt, cast or plated, for the following purposes only:	*Maximum permissible tin content of babbitt (percent by weight)*
(1) For manufacture, repair, maintenance, or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads, and for bonding of precision bearings and all bearings included under items (2) and (3) below.	(1) Unlimited.
(2) For manufacture, repair, maintenance, or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers, or busses.	(2) 90.
(3) For manufacture, repair, maintenance, or replacement of Diesel engines; turbines; locomotive connecting rod or coupling rod bearings; irrigation water pumping engines and equipment; industrial engines, generators, and motors; compressors; pumps; vessels or other ship facilities; electric locomotives; electric traction motor and generator bearings; stone crusher bearings; saw mill, planing mill, paper mill machinery; and roll neck bearings 8 inches in diameter or larger.	(3) 90.
(4) For any other bearing purpose	(4) 10.

SCHEDULE IV—PLATING AND COATING

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(1) Dairy equipment:	(1)
(i) New fluid milk shipping containers.	(i) Pig tin may be used only when and to the extent specifically authorized in writing by the NPA.
(ii) All other dairy equipment including the retinning of fluid milk shipping containers.	(ii) Plate, coat, or retin.
(2) Equipment for preparing and handling food, including kitchen utensils, galley and mess equipment.	(2) Coat or retin only such parts as are designed to come in actual contact with food.
(3) Cutlery and flatware.	(3) Plate or coat.
(4) Copper or brass pipe and fittings:	(4)
(i) Tubing or fittings to dispense beverages or distilled water.	(i) Coat.
(ii) Tubing or fittings used as refrigeration tubing or in contact with beverages or drinking water in beverage or drinking water equipment.	(ii) Electro tin or chemically tin.
(5) Snap fasteners and hooks and eyes	(5) Tin or tin chemicals may be used for barrel plating or chemical plating.
(6) Copper and copper-base alloy wire and strip:	(6)
(i) Wire—0.032 inch nominal diameter or finer.	(i) Coat.
(ii) Wire—larger than 0.032 inch nominal diameter.	(ii) Coat with alloy containing not more than 12 percent tin by weight.
(iii) Strip—0.0250 inch thick or thinner where solderable coating is required for electrical connection.	(iii) Coat. Coating limited to 0.0004 inch in thickness.
(iv) Strip—where solderable coating is required for radiators and heat exchangers.	(iv) Coat with an alloy containing not more than 15 percent tin by weight.

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(7) Steel wire, for following purposes:	(7) Coat for purposes indicated.
(i) Liquor finishing process of fine steel bright wire.	
(ii) Armature binding wire and wire for all electrical equipment and aircraft parts including aircraft wire and cable.	
(iii) Wire having ultimate tensile strength of 100,000 pounds per square inch for manufacture of stranded cable (not including picture wire, fishing leaders, and like items) but including musical instrument strings.	
(iv) Spring steel wire for use as springs where prime function of the wire is a spring and alternative coatings cannot be used (this does not include wire for spiral binding and like applications).	
(v) Wire for use in manufacture of equipment for the production of textiles.	
(vi) Wire for manufacture of pin tickets and tag wire in direct contact with garments and other textiles and including dry cleaning and laundry tag use, for pin type card holders and brake strand.	
(vii) Beekeepers' wire for comb construction.	
(viii) Wire for packaging or marking food where wire comes into actual contact with edible portions of the food.	
(ix) Bookbinders' wire or preformed staple wire to be used in foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Stitching of magazines, books, booklets, and pamphlets, other than those used solely for advertising purposes.	
(b) Preformed containers for dairy products and other foods and for pull-up tabs for bottles and tubs only where the wire comes into direct contact with the food.	
(x) Stitching wire and wire for staples to be used in hand, foot, or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Attaching tabs and tickets to garments, other textiles, leather and imitation leather, and sheet plastics, and for attaching these items to other items or materials;	
(b) Stitching and stapling in industrial manufacturing operations where tinned stitching wire or staples are required for penetration and alternative coatings cannot be used (this does not include wire for office staples, staples for tea bags, book matches, or box and carton construction).	

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(8) Tin plate and terneplate	(8) Pig or secondary tin may be used to coat tin plate only when and to the extent specifically authorized in writing by the NPA. Only secondary tin may be used to produce terne metal for coating terneplate. Terne metal containing not more than 15 percent tin may be used for coating short ternes and roofing ternes. Terne metal containing not more than 10 percent tin may be used for coating all other long ternes. All uses of tin plate and terneplate shall be in accordance with the specification limits stated in NPA Order M-24.
(9) Sheet (other than tin plate, terneplate, or tin mill black plate), tubing, wire, foundry chaplets, etc.	(9) Lead-base alloys containing not more than 7 percent of tin, may be used to coat, if the alloys are derived from secondary tin only.
(10) Steel-bearing shells	(10) Pig or secondary tin may be used to electro-tin to a thickness not exceeding 0.00006 inch.
(11) Electrotype shells	(11) Pig or secondary tin may be used to electro-plate, electrotype shells only where such installations were operating on or before January 27, 1951.

SCHEDULE V—FOIL

Pig or secondary tin may be used to make foil for the following purposes only	*Maximum permissible tin content of foil (percent by weight)*
(1) Electrotypers foil	(1) 30.
(2) Soft babbitt for the preparation of industrial metallic packing.	(2) 1½.
(3) Condenser foil of dimensions 0.00035 inch by 1 inch or less.	(3) 50.
(4) Condenser foil for all other condensers	(4) 15.
(5) Foil for aircraft magnetos	(5) 50.
(6) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50 percent, and for which other types of liners cannot be used.	(6) Unlimited.
(7) Dental foil	(7) Unlimited.
(8) Lead-base foil for burglar alarm systems	(8) 4½.

SCHEDULE VI—TIN CHEMICALS AND TIN OXIDE

A. TIN CHEMICALS

Types of tin chemicals	*Permitted use*
(1) Pig tin or tin chemicals (excluding tin oxide).	(1) May be used only as or for: Laboratory reagents, medicinals, or plating (to the extent permitted in other schedules).
(2) Tin chemicals (excluding tin oxide) produced from secondary tin-bearing drosses, residues, or scrap metal, having a tin content not over 10 percent and an impurity content too high for use in the production of other items permitted in the attached schedules.	(2) May be used for any purpose except to make items included in List A.

SCHEDULE VI—TIN CHEMICALS AND TIN OXIDE—Continued

B. TIN OXIDE

Production	*Permitted use*
Pig tin cannot be used to make tin oxide except when and to the extent that manufacture is specifically authorized in writing by NPA.	(1) For the production of green, pink, yellow, and red colors in amounts in any one month not in excess of 50 percent of the average monthly use for such purposes during the base period. (2) For the production of earthenware plumbing fixtures. (3) Laboratory agents and medicinals.

SCHEDULE VII—MISCELLANEOUS

Items	*Permitted use*
(1) Aluminum alloys containing tin where tin content does not exceed 7 percent by weight.	(1) For any purpose except to make items included in List A.
(2) Tin pipe, sheet tin and fittings to repair or maintain beverage dispensing units and their parts, including soda fountain carbon dioxide tanks.	(2) May be made from pig or secondary tin provided the purchaser returns to the supplier a quantity of scrap tin with the same tin content as that supplied.
(3) Tin pipe or tubes	(3) Where required, for conducting chemically pure distilled water.
(4) Bolster metal	(4) In the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 35 percent of tin by weight. For all other cutlery, if the tin content of the bolster metal does not exceed 10 percent of tin by weight and provided such bolster metal is produced from secondary tin only.
(5) Pipe organs for religious and educational institutions.	(5) May be manufactured, rebuilt, or repaired with secondary tin taken from the inventories of organ builders or acquired from old organs.
(6) Dental amalgam alloys	(6) No restriction on tin content.
(7) Detonators and blasting caps (including electric blasting caps).	(7) Pig or secondary tin may be used to make the detonators and blasting caps and all necessary parts and accessories.
(8) Collapsible tubes	(8) Pig or secondary tin may be used in accordance with the specification limits stated in NPA Order M-27.
(9) Printing plates and type metal containing tin.	(9) May be made for use by the printing, publishing, and related services industries without certification.
(10) Terne metal	(10) Terne metal containing not more than 15 percent of tin may be produced if made from secondary tin only.
(11) Fusible alloys and dry pipe seat rings	(11)—
(i) Dry pipe seat rings	(i) Pig or secondary tin may be used to the extent required to meet performance specifications.
(ii) Fusible alloys for safety purposes only.	(ii) Pig or secondary tin may be used to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.
(12) Linings for chromium plating tanks and lead anodes for chromium plating.	(12) Lead-base alloys containing not more than 4 percent tin may be used if the alloys are derived from secondary tin only.

SCHEDULE VII—MISCELLANEOUS—Continued

Items	Permitted use
(13) Bismuth alloys. Pig or secondary tin may be used for the production of bismuth alloys.	(13) (a) for items permitted by both Order M-48 and the schedules attached to Order M-8; the tin content is limited to that set forth in the schedules for the particular item and use. (b) For all other items permitted by Order M-48 and not included in the schedules attached to Order M-8, the tin content is limited to the minimum required for the particular use under Order M-48.
(14) Clutch and brake facings when produced by the process of powder metallurgy.	(14) Not more than 10 percent by weight of tin powder.
(15) Carbon brushes when produced by the process of powder metallurgy.	(15) Tin powder up to 12 percent of the copper content by weight.
(16) Hammer metal, die proofing metal, and filling and sealing metal.	(16) Lead-base alloys containing not more than 5 percent tin may be used if the alloys are derived from secondary tin only.

[F. R. Doc. 51-8787; Filed, July 26, 1951; 4:57 p. m.]

[NPA Order M-76]

M-76—DISTRIBUTION OF LEAD

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Application of this order.
3. Definitions.
4. Allocation of soft primary pig lead.
5. Acceptance of rated orders.
6. Delivery of pig lead.
7. Specific directives.
8. Assistance in placing orders.
9. Records and reports.
10. Applications for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide for the allocation of the supply of soft pig lead produced by primary refiners so as to ensure that such supply will be distributed in a manner that will most effectively promote defense production and the fulfillment of civilian needs. It also sets limitations on the required acceptance of rated orders for pig lead products and alloys to provide an equitable distribution of such orders.

SEC. 2. *Application of this order.* The provisions of this order supersede other NPA regulations and orders to the extent that they are inconsistent with this order, but in all other respects such regulations and orders remain applicable to lead and lead products. In particular, NPA, Reg. 2 continues to apply to lead and lead products, but deliveries of soft primary pig lead may henceforth be made only in accordance with allocation authorizations issued by NPA, except as may be otherwise provided in this order.

SEC. 3. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Dealer" means any person who receives physical deliveries of pig lead and sells or holds such pig lead for resale without change in form. A person who produces pig lead or who has pig lead produced for him under toll agreement is a producer as to such lead, and not a dealer.

(c) "Primary refiner" means any person who produces pig lead mainly from lead ores and concentrates or base bullion, or who has pig lead so produced for him under toll agreement.

(d) "Lead-base alloy" means any alloy containing 50 percent or more of lead metal by weight.

(e) "Lead scrap" means all materials or objects which are the waste or by-product of industrial fabrications or processes, or which have been discarded for obsolescence, failure, or other reason, and which contain lead commercially recoverable as pig lead or lead-base alloy.

(f) "Lead products" means semiprocessed materials, parts, or subassemblies which have been produced from pig lead or lead-base alloy.

(g) "Pig lead" means and includes soft pig lead and antimonial lead in refinery shapes current in the trade.

(h) "Soft pig lead" means and includes pig lead in specifications corresponding to the grades commonly referred to in the trade as "acid," "chemical," "corroding," and "common."

(i) "Soft primary pig lead" means soft pig lead produced by a primary refiner.

(j) "NPA" means the National Production Authority.

SEC. 4. *Allocation of soft primary pig lead.* (a) Commencing on September 1, 1951, no person shall accept delivery of soft primary pig lead for any purpose in any month except in accordance with the terms of an allocation authorization issued to him by NPA. An allocation authorization will authorize the person to whom it is issued to accept delivery of soft primary pig lead in a specified quantity and grade, provided that the purchase order is received by a supplier not later than the fifth day of the month in which delivery is requested. Orders placed pursuant to an allocation authorization shall specify the date, serial number, and effective month of the authorization certificate. This section shall apply with like effect to the acceptance of delivery of soft primary pig lead by any branch, division, or department of any business enterprise from any producing branch, division, or department of the same business enterprise.

(b) Applications for allocation authorizations must be filed with NPA on Form NPAF-115 not later than the tenth day of the month preceding the month in which delivery is required. Such applications shall be filed in triplicate and should contain all information required by the form.

(c) The provisions of paragraph (a) of this section shall not apply to:

(1) Acceptance of soft primary pig lead by the General Services Administration for the stockpile of strategic materials.

(2) Acceptance of soft primary pig lead from a foreign source.

(3) Acceptance of soft primary pig lead by any person whose total receipts during the calendar month in which such acceptance occurs are, and by such acceptance will remain, less than 10 short tons, and who has not applied to NPA for an allocation authorization for that month, and who furnishes to the supplier a certification in substantially the following form:

> The undersigned certifies, subject to statutory penalties, that receipt of this shipment in the month requested will be in compliance with NPA Order M-76.

Such certification constitutes a representation to the supplier and to NPA that the purchaser is authorized to accept delivery of soft primary pig lead pursuant to this order.

(d) NPA will arrange to issue allocation authorizations for soft primary pig lead to persons to whom validated export licenses for such material are issued. However, no exporter may receive or accept delivery of such material until he has received an allocation authorization.

(e) A primary refiner of soft pig lead who has not received orders for his entire scheduled monthly production thereof (as reported to NPA pursuant to section 9 (a) of this order) by the tenth day of that month shall promptly report by letter to NPA the quantity of soft pig lead available in that month for which he has not received orders.

SEC. 5. *Acceptance of rated orders.* Commencing on September 1, 1951, except as specifically directed by NPA in writing:

(a) No producer of pig lead (other than soft primary pig lead), lead-base

alloys, or lead products, shall be required to accept rated orders for any of these lead forms or materials in any one month in excess of 25 percent of his scheduled production of such materials during that month.

(b) No dealer shall be required to accept rated orders for pig lead (other than soft primary pig lead), lead-base alloys, and lead products, for shipment in any one month in excess of 25 percent of the quantity of such materials available to him during that month.

(c) No person shall be required to accept rated orders for pig lead (other than soft primary pig lead), lead-base alloys, or lead products, which are not received at least 15 days prior to the first day of the month in which shipment is requested.

(d) Deliveries of soft primary pig lead shall be made only in accordance with the allocation procedure set forth in section 4 of this order, whether or not pursuant to a rated order.

SEC. 6. *Delivery of pig lead.* No person shall deliver any pig lead if he knows or has reason to believe that the person requesting delivery is not permitted to receive it under this order or under any other applicable order or regulation of the National Production Authority.

SEC. 7. *Specific directives.* The National Production Authority may issue directives as to the source, destination, grades, and quantities of pig lead, lead products, and lead-base alloy which may be delivered or accepted, and may also direct any producer to set aside a specific portion of his production of pig lead, lead products, and lead-base alloy for distribution according to directives issued by NPA.

SEC. 8. *Assistance in placing orders.* Any person who is unable to place a rated order for pig lead (other than soft primary pig lead), lead-base alloy, or lead products due to the limitations imposed by section 5 of this order, or who has received an allocation authorization for soft primary pig lead and is unable to place an order for this material, should apply to the National Production Authority, Ref: M-76, specifying the efforts made to place such orders. NPA will arrange to assist him in locating sources of supply.

SEC. 9. *Records and reports.* (a) In addition to the reporting requirements stated in NPA Order M-38, all primary refiners of soft pig lead shall report to NPA their anticipated production of soft pig lead. Such reports shall be filed on or before August 15, 1951, with respect to anticipated production during the month of September 1951, and on or before the fifteenth day of each month thereafter with respect to anticipated production during the next succeeding month. Such reports shall be filed by letter in duplicate and shall state the total production of each grade of soft lead anticipated during the appropriate month.

(b) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have or who may maintain such microfilm or other photographic records in the regular and usual course of business.

(c) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 10. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-76.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

This order shall take effect, except as otherwise specifically stated, on July 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8788; Filed, July 26, 1951; 4:57 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-366]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

ISSUANCE OF LOCAL AREA AIR CARRIER OPERATING CETIFICATES FOR AIRCRAFT UNDER 12,500 POUNDS TAKE-OFF WEIGHT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of July 1951.

Special Civil Air Regulation SR-351 authorizes the Administrator to issue temporary air carrier operating certificates of one-year duration, called Air Carrier Operating Certificates for Local Areas, to scheduled air carriers holding temporary certificates of public convenience and necessity, authorizing the use of aircraft under 12,500 pounds maximum certificated take-off weight in accordance with such certification and operating standards as may be established by the Administrator. At the time the Board adopted SR-351 it was intended that appropriate certification and operation standards for such carriers would be developed prior to August 1, 1951. However, while the Bureau of Safety Regulation has been actively engaged in this project, it is not anticipated that this project will be completed prior to August 1, 1951. In view of the fact that we believe that it is desirable to differentiate clearly between certificates issued to air carriers using conventional multiengine aircraft and those using aircraft under 12,500 pounds maximum certificated take-off weight, we consider it necessary to extend the authority granted in SR-351 until August 1, 1952, or until such earlier date as the general rules regarding the certification and operation of such air carriers are adopted, and to authorize the Administrator to extend the duration of certificates issued under SR-351 for another one-year period.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective August 1, 1951, to read as follows:

The Administrator is hereby authorized to issue temporary air carrier operating certificates of one-year duration to scheduled air carriers holding temporary certificates of public convenience and necessity, authorizing the use of aircraft under 12,500 pounds maximum certificated take-off weight, in accordance with such certification and operation standards as may be established by the Administrator and to extend for a like period the duration of certificates heretofore issued under the authority of Special Civil Air Regulation SR-351:

Provided, That all such certificates so issued or extended shall expire at such earlier date as may be directed in any general rule issued by the Board regulating this subject matter.

This regulation shall terminate August 1, 1952, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 62 Stat. 1216; 49 U. S. C. 551, 554; Act of July 1, 1948)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-8735; Filed, July 27, 1951; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.132]

PART 45—VISAS: DOCUMENTATION OF ALIENS UNDER THE DISPLACED PERSONS ACT OF 1948, AS AMENDED

MISCELLANEOUS AMENDMENTS

JULY 23, 1951

The following amendments to Part 45, Chapter I, Title 22, Code of Federal Regulations, are hereby prescribed:

1. Subparagraph (1) *China refugees*, paragraph (d) *Additional classes*, § 45.2 *Classes of applicants under the Displaced Persons Act*, is amended to read as follows:

(1) *China refugees.* This class shall consist of displaced persons and refugees as defined in Annex I of the constitution of the International Refugee Organization, except Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not, who (i) resided in China as displaced persons or refugees on July 1, 1948, or on June 16, 1950; and (ii) are still in China, or having departed therefrom, have not subsquently been received for permanent residence by any other country. Not more than 4,000 immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under this subparagraph.

2. Subparagraph (6) of paragraph (e), § 45.9 *Disqualification to receive visas*, is amended to read as follows:

(6) The applicant while serving as a member of the armed forces or auxiliary organizations of any country voluntarily bore arms against the United States or its Allies on the Western Front, including North Africa and Italy, during that part of World War II beginning on December 8, 1941: *Provided*, (i) That such applicant shall not be deemed to have served voluntarily if he establishes that such service was against his will, and (ii) that the term "bore arms" shall be deemed to include any service in armed forces or auxiliary organizations: *And provided further*, That if such applicant establishes that he was inducted into the armed forces or auxiliary organizations when under sixteen years of age, or by operation of law, official act, proclamation, order, or decree, he may be deemed, prima facie, not to have served voluntarily during the period covered by such service.

(Sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 222, 458. Interpret or apply sec. 3, 13, 62 Stat. 1010, as amended, 1014, as amended; 50 U. S. C. App., Sup. 1952, 1962)

Date: July 23, 1951.

DEAN ACHESON,
Secretary of State.

Recommended, so far as the provisions of the Immigration Act of 1924 and the Alien Registration Act, 1940, are concerned:

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-8696; Filed, July 27, 1951; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

LAKE ERIE, WEST END; ANTIAIRCRAFT FIRING PERIODS

Pursuant to the provisions of Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.187 (b) governing the use of an area for seasonal antiaircraft firing from Camp Perry and Locust Point, Ohio, is hereby amended by extending the firing period during 1951 to September 14, as follows:

§ 204.187 *Lake Erie, west end, north of Erie Ordnance Depot, Lacarne, Ohio.* * * *

(b) *Seasonal antiaircraft artillery firing area, Second Army.* * * *

(2) *The regulations*—(i) *Antiaircraft firing periods.* Firing in the area will take place from 8:00 a. m. to 12:00 m. and from 1:30 to 5:00 p. m. on certain days other than Saturdays and Sundays between July 10 and August 10 of each year, as listed in a public notice to be issued prior to July 1 of each year by the District Engineer, Corps of Engineers, Detroit, Michigan. In addition, during 1951 only, firing in the area will take place from 8:00 a. m. to 12:00 m. and from 1:30 to 4:00 p. m. (daylight saving time) on the following days (all dates inclusive): August 20 to 24, and 27 to 31; September 4 to 7, and 10 to 14.

NOTE: As previously announced, firing in the area will take place on the following regularly scheduled days in 1951 (all dates inclusive): July 16 to 20, 23 to 27, 30 and 31; August 1 to 3, and 6 to 10.

* * * * *

[Regs. July 5, 1951, 800.2121-ENGWO] (40 Stat. 892; 33 U. S. C. 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-8694; Filed, July 27, 1951; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1794]

PART 192—OIL AND GAS LEASES

MISCELLANEOUS AMENDMENTS

Part 192 is amended as follows, effective September 1, 1951:

Paragraph (b), paragraph (e) (1), and paragraph (g) of § 192.42 (b) are hereby amended to read as follows:

§ 192.42 *Offer to lease, and issuance of lease.* * * *

(b) Five copies of Form 4-1158, or valid reproduction thereof, for each offer to lease shall be filed in the proper land office, or for land or deposits in States in which there are no land offices, with the Director of the Bureau of Land Management, Washington 25, D. C. If less than five copies are filed, the offeror shall have 15 days from date of the first filing, to file the other required copies. Upon such completed filing the priority of the offer will be based upon receipt of the first filing. If the additional copies are not filed within the 15-day period, the offer will be rejected and returned to the offeror with any rental paid and will afford no priority to the offeror. The offer must be filed on a form in effect at the date of filing. For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

* * * * *

(e) Each offer, when first filed, shall be accompanied by:

(1) A filing fee of $10 which will be retained as a service charge, except as provided in § 192.42 (g), even though the offer should be rejected or withdrawn in whole or in part.

* * * * *

(g) An offer will be rejected and returned to the offeror, and it will confer no priority if it is not completed in accordance with the regulations in Parts 191 and 192 and the instructions printed on the lease form, and accompanied by the payments and documents required by such regulations and instructions, except that where a corporation has previously filed in any land office any of the documents required by paragraph (f) of this section a reference to that file may be made in lieu of the document together with a statement as to any changes therein since the document was filed. When an offer is rejected under this paragraph, the offeror will be given an opportunity to file a new offer within 30 days from the date of service of the rejection, and the fee and rental payments on the old offer will be applied to the new offer if the new offer shows the serial and receipt numbers of the old offer. The corrected offer will retain the same serial number, but the effective date of priority will be as of the date such new offer was received.

* * * * *

Paragraph (a) (1) of § 192.82 is hereby amended to read as follows:

§ 192.82 *Royalty on production.* * * *

(a) * * *

(1) 12½ percent royalty on noncompetitive leases issued under section 17 of the act: *Provided, however,* That any holder of a lease for lands in Alaska who shall drill and make the first discovery of oil or gas in commercial quantities in any geologic structure shall pay a royalty on all production under the lease of 5 percent for 10 years following the date of such discovery and thereafter the royalty rate shall be 12½ percent. If such lease is committed to an approved unit or cooperative plan under which such a discovery is made, the 5 percent rate herein provided shall, for the purpose of computing royalty due the United States, inure to the benefit of all the land to which an allocation is made under such plan.

* * * * *

Section 192.100 is amended by adding a paragraph (e) to read:

§ 192.100 *Amount of bonds required of lessee.* * * *

(e) In lieu of bonds required under any of the preceding paragraphs the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessees pending departmental approval of operating agreements, may furnish a bond the amount of which must be $150,000 for full nation-wide coverage under both the Mineral Leasing Act and the Mineral Leasing Act for Acquired Lands of 1947 (61 Stat. 1913; 30 U. S. C. 351–359), or at the rate of $25,000 for each unit of coverage. A unit of coverage shall be all the lands in any one State or Territory held by the principal under either the Mineral Leasing Act or the Mineral Leasing Act for Acquired Lands. Coverage under both acts in one State or Territory constitutes two units. In lieu of a surety bond a personal bond in a like amount may be given by the obligor with the deposit as security therefor of negotiable bonds of the United States of a par value equal to the amount specified in the bond.

Section 192.101 is revised to read:

§ 192.101 *Form of bonds.* Bonds furnished by lessees will be on Form 4–208g; those furnished by operators on Form 4–238; bonds furnished in lieu of other bonds, pursuant to § 192.100 (e), will be on Form 4–1167 for surety bonds or on Form 4–1168 for personal bonds.

Section 192.141 (a) is amended to read as follows:

§ 192.141 *Requirements for filing of transfers.* (a) (1) Except as to assignments of record title, all instruments of transfer of a lease or of an interest therein, including assignments of working or royalty interests, and operating agreements, and subleases, must be filed for approval within 90 days from the date of final execution and must contain all of the terms and conditions agreed upon by the parties thereto, together with a statement over the transferee's own signature with respect to citizenship and interests held, similar to that required of an offeror under § 192.42 (e) (4) and (f).

(2) To obtain approval of a transfer affecting the record title of an oil and gas lease, a request for such approval must be made; within 90 days from the date of the execution of the assignment by the parties. Form 4–1175, "Assignment affecting Record Title to Oil and Gas Lease", or unofficial copies of that form in current use may be used for such transfers and requests for approval: *Provided,* That the unofficial copies are exact reproductions on one sheet of both sides of the official approved one-page form, and are without additions, omissions, or other changes, except that the copies shall include the following statement above the signature of the assignee: "This form is submitted in lieu of official Form 4–1175 and contains all of the provisions thereof as of the date of filing of this assignment." In addition, the name and address of the printer or other party issuing unofficial reproductions of the official form shall be printed thereon. This form may be used for any assignment which affects a transfer of the record title to all or part of an oil and gas lease, but it is not to be used for any other type of transfer. Form 4–1175, or a valid reproduction of the official form, will also constitute approval of the assignment when signed by the manager of the land office.

(3) An application for approval of any instrument of transfer of a lease or interest therein or a filing of any such instrument under § 192.145 must be accompanied by a fee of $10, and an application not accompanied by payment of such a fee will not be accepted for filing by the manager. Such fee will not be returned even though the application later be withdrawn or rejected in whole or in part.

* * * * *

Section 192.141 (c) is amended to read as follows:

(c) If a bond is necessary, it must be furnished. Where an assignment does not create separate leases the assignee, if the assignment so provides, may become a joint principal on the bond with the assignor. Any assignment which does not convey the assignor's record title in all of the lands in the lease must also be accompanied by consent of his surety to remain bound under the bond of record for the lease interest retained by said assignor, if the bond, by its terms, does not contain such consent. If a party to the assignment has previously furnished a nation-wide bond on either form, 4–1167 or 4–1168, applicable to the State and the act under which the lease issued, no additional showing is necessary by such party as to the bond requirement. If any overriding royalty or payments out of production are created which are not shown in the instrument or agreement, a statement must be submitted describing them. If payments out of production are reserved, a statement should be submitted stating the details as to the amount, method of payment, and other pertinent terms. Assignments of record title interests must be filed in triplicate. A single copy of any additional information specified in Instructions, Form 4–1175,[1] relating to citizenship and qualifications of corporations, will be sufficient. A single executed copy of all other instruments of transfer, or of an operating agreement is sufficient.

* * * * *

Section 192.145 is amended to read as follows:

§ 192.145 *Royalty interests in oil and gas leases and assignments thereof.* Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of the second sentence of section 27 of the act. Assignments of such interests must be filed for record purposes in the appropriate land offices in accordance with the applicable provisions of section 192.141. All assignments of royalty interests must be filed for the record, but those of 1 percent or less will be approved only upon specific request and then only after discovery. Any assignment of 1 percent or less if filed for the record will be deemed to be valid whether formally approved or not.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 23, 1951.

[F. R. Doc. 51–8695; Filed, July 27, 1951; 8:46 a. m.]

[1] Filed as part of the original document.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

[192-18.3]

AIRPORTS OF ENTRY

NOTICE OF PROPOSED DESIGNATION OF PALM BEACH INTERNATIONAL AIRPORT, WEST PALM BEACH, FLA., AS AN AIRPORT OF ENTRY

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C. 177 (b)), it is proposed to designate Palm Beach International Airport, West Palm Beach, Florida, as an airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), effective September 1, 1951; and it is further proposed to amend the list of airports of entry (international airports) in § 6.12, Customs Regulations of 1943 (19 CFR 6.12) by adding thereto the location and name of this airport.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

JULY 20, 1951.

[F. R. Doc. 51-8710; Filed, July 27, 1951; 8:47 a. m.]

Bureau of Internal Revenue

[26 CFR Part 171]

MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

NOTICE OF PROPOSED RULE-MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 3183 of the Internal Revenue Code (26 U. S. C., 3183).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. House Joint Resolution No. 73 (Public Law 76, 82d Congress) provides as follows:

JOINT RESOLUTION

AMENDING CHAPTER 26 OF THE INTERNAL REVENUE CODE

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that chapter 26 of the Internal Revenue Code is amended by adding at the end of subchapter E a new section designated 3183 to read as follows:

SEC. 3183. NATIONAL EMERGENCY TRANSFERS OF DISTILLED SPIRITS.

(a) *Transfers permitted.* Under regulations prescribed by the Secretary, distilled spirits of any proof including alcohol (the term "distilled spirits" or "spirits" as hereinafter used in this section shall include alcohol) may be removed in bond in approved containers and pipelines from any registered distillery including a registered fruit distillery (such registered distillery and registered fruit distillery hereinafter referred to as "distillery"), internal revenue bonded warehouse, industrial alcohol plant or industrial alcohol bonded warehouse to any distillery, internal revenue bonded warehouse, industrial alcohol plant or industrial alcohol bonded warehouse for redistillation, or storage, or any other purpose deemed necessary to meet the requirements of the national defense: *Provided*, That any such distilled spirits may be stored in approved tanks in, or constituting a part of, any internal revenue bonded warehouse or industrial alcohol bonded warehouse: *Provided further*, That any such distilled spirits removed to an industrial alcohol plant or industrial alcohol bonded warehouse may be withdrawn therefrom if of a proof of one hundred and sixty degrees or more for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C; and any such distilled spirits removed to a distillery or internal revenue bonded warehouse may be withdrawn therefrom if of a proof of one hundred and sixty degrees or more for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery: *Provided further*, That any such distilled spirits, upon removal from a distillery or internal revenue bonded warehouse for transfer to an industrial alcohol plant or industrial alcohol bonded warehouse or for any tax-free purpose authorized by part II of subchapter C, shall be subject to the provisions of part II of subchapter C: *Provided further*, That when any distilled spirits are removed under the provisions of this section to a distillery, industrial alcohol plant, or industrial alcohol bonded warehouse, the tax liability of the proprietor of the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse from which the spirits are removed, and the liens on such distillery, industrial alcohol plant, or industrial alcohol bonded warehouse, shall cease; and at and from the time the distilled spirits leave the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse the tax shall be the liability of the proprietor of, and the liens shall be transferred to the premises of, the distillery, industrial alcohol plant, or industrial alcohol bonded warehouse to which the distilled spirits are transferred: *Provided further*, That when any distilled spirits are removed under the provisions of this section to an internal revenue bonded warehouse the proprietor of such warehouse shall be primarily liable for the tax on the spirits at and from the time the spirits leave the premises from which transferred: *Provided further*, That the provisions of section 2901 of the Internal Revenue Code shall apply in respect of losses of any distilled spirits transferred, or removed for transfer, under this section to a distillery or internal revenue bonded warehouse; and the provisions of section 3113 of the code shall apply in respect of losses of any distilled spirits transferred, or removed for transfer, under this section to an industrial alcohol plant or industrial alcohol bonded warehouse: *And provided further*, That sections 2836 and 2870 of the Internal Revenue Code shall not apply to the production or redistillation and removal of any such spirits; nor shall sections 2800 (a) (5) and 3250 (f) of the code apply to the redistillation or to the mingling at a distillery or an internal revenue bonded warehouse or in the course of removal, of any such spirits.

(b) *Exemption from statutory requirements.* The Secretary may temporarily exempt proprietors of distilleries, internal revenue bonded warehouses, industrial alcohol plants, or industrial alcohol bonded warehouses from any provision of the internal revenue laws relating to distilled spirits, except those requiring payment of the tax thereon, whenever in his judgment it may seem expedient to do so to meet the requirements of the national defense. Whenever the Secretary shall exercise the authority conferred by this subsection he may prescribe such regulations as may be necessary to accomplish the purpose which caused him to grant the exemption.

(c) *Termination of section.* The authority conferred upon the Secretary by this section shall expire five years from the date of enactment of this section.

2. Pursuant to the foregoing provisions of law the following regulations are hereby prescribed:

SUBPART G—NATIONAL EMERGENCY TRANSFERS OF DISTILLED SPIRITS

Sec.
171.170 Scope of regulations in this subpart.

DEFINITIONS

171.171 Meaning of terms.
171.172 Approved containers.
171.173 Carrier.
171.174 Commissioner.
171.175 Denaturing plant.
171.176 Distilled spirits.
171.177 Distillery.
171.178 District supervisor or supervisor.
171.179 Fruit distillery.
171.180 Including.
171.181 Inclusive language.
171.182 Industrial alcohol bonded warehouse.
171.183 Industrial alcohol plant.
171.184 Internal revenue bonded warehouse.
171.185 I. R. C.
171.186 Motor carrier.
171.187 Part II of subchapter C.
171.188 Registered distillery.
171.189 Secretary.
171.190 United States.
171.191 U. S. C.

TRANSFER PERMITTED

171.195 Authorized removals.
171.196 Other transfers in bond authorized by Commissioner.

KINDS OF CONTAINERS

CARRIERS

GAUGING OF DISTILLED SPIRITS

DESIGNATION OF DISTILLED SPIRITS

EXEMPTIONS FROM STATUTORY REQUIREMENTS

TRANSFERS IN BOND TO DISTILLERIES

TRANSFERS IN BOND TO INTERNAL REVENUE BONDED WAREHOUSES

TRANSFERS IN BOND TO INDUSTRIAL ALCOHOL PLANTS AND INDUSTRIAL ALCOHOL BONDED WAREHOUSES

TRANSFERS IN BOND FROM INDUSTRIAL ALCOHOL PLANTS AND INDUSTRIAL ALCOHOL BONDED WAREHOUSES TO DISTILLERIES AND INTERNAL REVENUE BONDED WAREHOUSES

REMOVALS, FREE OF TAX, FOR DENATURATION

REMOVALS, FREE OF TAX, FOR USE OF THE UNITED STATES

REMOVALS, FREE OF TAX, FOR SCIENTIFIC PURPOSES, USE OF HOSPITALS, ETC.

REMOVALS FOR EXPORTATION WITHOUT PAYMENT OF TAX

GENERAL

AUTHORITY: §§ 171.170 to 171.280 issued under section 3183 of the Internal Revenue Code (U. S. C., title 26, section 3183.)

SUBPART G—NATIONAL EMERGENCY TRANSFERS OF DISTILLED SPIRITS

§ 171.170 *Scope of regulations in this subpart.* The regulations in this subpart prescribe the procedural and substantive requirements in addition to the applicable provisions of Regulations 3, 4, 5, and 10 (Parts 182, 183, 184, 185 of this subchapter), necessary to effectuate section 3183, I. R. C. (H. R. Res. 73, 82nd Congress) concerning national emergency transfers of distilled spirits. Subject to the provisions of this subpart, proprietors of registered distilleries, fruit distilleries, and internal revenue bonded warehouses will be governed by the applicable provisions of Regulations 4, 5, and 10, respectively, and proprietors of industrial alcohol plants, industrial alcohol bonded warehouses, and denaturing plants will be governed by the applicable provisions of Regulations 3.

DEFINITIONS

§ 171.171 *Meaning of terms.* As used in this subpart, unless the context otherwise requires, terms shall have the meanings ascribed in §§ 171.172 to 171.191.

§ 171.172 *Approved containers.* "Approved containers" shall means the containers prescribed by Regulations 3, 4, 5, and 10, and shall include railroad tank cars, tank trucks, tank ships, tank barges, and such other containers and bulk conveyances as authorized by this subpart or by the Commissioner.

§ 171.173 *Carrier.* "Carrier" shall mean a person or agency regularly engaged in the transportation of movable property by railroad, steamship, tank ship, barge, motor truck, tank truck, or other vehicle capable of being used as a means of transportation.

§ 171.174 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 171.175 *Denaturing plant.* "Denaturing plant" shall mean a denaturing plant established and operated under the provisions of Regulations 3 (Part 182 of this subchapter).

§ 171.176 *Distilled spirits.* "Distilled spirits" or "spirits" shall include alcohol, but not those beverage spirits commonly known as whisky, brandy, rum, gin, etc., or other beverage spirits of less than 160 degrees of proof, except when removed for redistillation or for storage pending redistillation.

§ 171.177 *Distillery.* "Distillery" shall mean a registered distillery established and operated under the provisions of Regulations 4 (Part 183 of this subchapter) or a fruit distillery established and operated under the provisions of Regulations 5 (Part 184 of this subchapter).

§ 171.178 *District supervisor or supervisor.* "District supervisor" or "supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

§ 171.179 *Fruit distillery.* "Fruit distillery" shall mean a distillery established and operated under the provisions of Regulations 5 (Part 184 of this subchapter).

§ 171.180 *Including.* The word "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 171.181 *Inclusive language.* Words in the plural shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships, and corporations.

§ 171.182 *Industrial alcohol bonded warehouse.* "Industrial alcohol bonded warehouse" shall mean a bonded warehouse established and operated under the provisions of Regulations 3 (Part 182 of this subchapter).

§ 171.183 *Industrial alcohol plant.* "Industrial alcohol plant" shall mean an alcohol plant established and operated under the provisions of Regulations 3 (Part 182 of this subchapter).

§ 171.184 *Internal revenue bonded warehouse.* "Internal revenue bonded warehouse" shall mean a bonded warehouse established and operated under the provisions of Regulations 10 (Part 185 of this subchapter).

§ 171.185 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 171.186 *Motor carrier.* "Motor carrier" shall mean a motor carrier licensed under the Motor Carrier Act of 1935 or an applicable state law, or a private carrier employed by, or acting as agent for, the consignor or consignee, who is actively and regularly engaged generally in the legitimate business of transportation, who possesses adequate facilities to insure safe delivery at destination of any distilled spirits transported by him, and who is approved by the district super-

visor; or the consignor or consignee acting as a private carrier.

§ 171.187 *Part II of subchapter C.* "Part II of subchapter C" shall mean sections 3100–3126 of the Internal Revenue Code.

§ 171.188 *Registered distillery.* "Registered distillery" shall mean a distillery established and operated under the provisions of Regulations 4 (Part 183 of this subchapter).

§ 171.189 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 171.180 *United States.* "United States" shall include any governmental agency of the United States.

§ 171.191 *U. S. C.* "U. S. C." shall mean the United States Code.

TRANSFERS PERMITTED

§ 17.195 *Authorized removals.* Distilled spirits of any proof may be removed in bond in approved containers and pipe lines from any distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse to any distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse for redistillation, or storage, or any other purpose deemed necessary to meet the requirements of the national defense, as authorized by this subpart, or by the Commissioner. Any such distilled spirits may be stored in approved tanks in, or constituting a part of, any internal revenue bonded warehouse or industrial alcohol bonded warehouse. Distilled spirits may be withdrawn from industrial alcohol plants or industrial alcohol bonded warehouses if of a proof of 160 degrees or more for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C. Distilled spirits may be withdrawn from distilleries or internal revenue bonded warehouses if of a proof of 160 degrees or more for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery. Any such distilled spirits, upon removal from a distillery or an internal revenue bonded warehouse for transfer to an industrial alcohol plant or industrial alcohol bonded warehouse or for any tax-free purpose authorized by part II of subchapter C, shall be subject to the provisions of part II of subchapter C and Regulations 3. The removals for tax-free purposes authorized by part II of subchapter C include removals for denaturation, for use of the United States, for export, and for the other tax-free purposes authorized by section 3108, I. R. C.

§ 171.196 *Other transfers in bond authorized by Commissioner.* In addition to the purposes authorized by this subpart for the transfer in bond of distilled spirits between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, the Commissioner may authorize the transfer in bond of distilled spirits between such premises for any other purpose which he deems necessary to meet the requirements of the national defense, subject to such limitations and conditions as may be imposed by him.

KINDS OF CONTAINERS

§ 171.200 *General.* Approved containers, used for the removal for redistillation, storage, or other purposes authorized by this subpart, weighing tanks used for gauging, tanks used for storage, and pipe lines used for removal of distilled spirits as authorized by this subpart, shall be those authorized by, and shall conform as to construction, security, marking, etc., to the provisions of this subpart and the applicable provisions of Regulations 3, 4, 5, and 10. The Commissioner may permit alternate construction which he deems necessary to meet the requirements of the national defense, subject to such limitations and conditions as may be imposed by him, provided such alternate construction affords adequate protection to the revenue.

§ 171.201 *Removal by pipeline.* Distilled spirits of any proof may be removed by pipeline for transfer in bond between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses in accordance with the provisions of this subpart and the applicable procedure prescribed by Regulations 3, 4, 5, and 10, where the premises to which the distilled spirits are to be so transferred are located in the immediate vicinity of the premises from which the distilled spirits are to be removed. Distilled spirits of 160 degrees or more of proof may be removed by pipeline where the bonded premises, or the establishment, to which the distilled spirits are to be transferred are located in the immediate vicinity of the premises from which the distilled spirits are to be removed (a) from an industrial alcohol plant or industrial alcohol bonded warehouse for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C, or (b) from a distillery scribed in Regulations 3, 4, 5, and 10, or an internal revenue bonded warehouse for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery; both in accordance with the procedure prescribed by this subpart and the applicable provisions of Regulations 3, 4, 5, and 10. The rules and procedure prescribed in Regulations 3, 4, 5 and 10, relative to the construction, approval, and use of pipelines for the transfer of distilled spirits between premises shall be followed, in so far as applicable, in the construction, approval, and use of pipelines under this subpart.

§ 171.202 *Removal by tank cars and tank trucks.* Distilled spirits of any proof may be transferred in bond in tank cars or tank trucks between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, in accordance with the provisions of this subpart and the applicable procedure prescribed by Regulations 3, 4, 5, and 10. Distilled spirits of 160 degrees or more of proof may be removed in tank cars or tank trucks (a) from an industrial alcohol plant or industrial alcohol bonded warehouse for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C, or (b) from a distillery or an internal revenue bonded warehouse for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery; both in accordance with the procedure prescribed by this subpart and the applicable provisions of Regulations 3, 4, 5, and 10.

§ 171.203 *Removal by tank ships and tank barges.* Distilled spirits of any proof may be transferred in bond in tank ships or tank barges between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, in accordance with the provisions of this subpart. Tank ships and tank barges need not be calibrated, nor need calibration charts be prepared. The carrier must file bond in accordance with § 171.208. Tank ships and tank barges must be secure and all openings affording access to the distilled spirits must be arranged in such manner that they can be securely fastened and sealed. Prior to filling, the Government officer shall inspect each tank ship or tank barge and determine whether the same can be securely fastened and sealed and is otherwise suitable for the transportation of distilled spirits. The Government officer will not permit the filling of any tank ship or tank barge that is not equipped for sealing or which will not afford adequate protection to the distilled spirits. Such shipments may be made only where the premises of both the consignor and the consignee are equipped with suitable dock facilities, and where the distilled spirits are run directly from the tank ship or tank barge into suitable tanks on the consignee's premises. Distilled spirits of 160 degrees or more of proof may be removed in tank ships or tank barges (a) from an industrial alcohol plant or industrial alcohol bonded warehouse for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C, or (b) from a distillery or an internal revenue bonded warehouse for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery; both in accordance with the procedure prescribed by this subpart.

§ 171.204 *Sealing of conveyances.* Where distilled spirits are to be removed under the provisions of this subpart from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, in tank cars, tank trucks, tank ships, tank barges, or other bulk conveyances approved by the Commissioner, the storekeeper-gauger will, immediately after filling, seal with cap seals furnished by the Government, all openings affording access to the spirits. The serial numbers of the cap seals so used will be entered by the storekeeper-

gauger on Form 236, 1440, 1453, or 1704, as the case may be. Where the proprietor provides seal locks for locking conveyances in accordance with Regulations 3, such locks will be used in lieu of cap seals.

§ 171.205 *Marking of containers.* Where distilled spirits are removed for any of the purposes authorized by this subpart from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, the containers shall be marked as prescribed in this section. If the conveyance is a tank car, tank truck, tank ship, tank barge, or other bulk conveyance approved by the Commissioner, a label shall be securely affixed by the consignor to the route board of the tank car or tank truck, or at a suitable location on the tank ship, tank barge, or other bulk conveyance. The label shall plainly show the name, registry number, and address of the consignor; the name, registry or permit number (if any), and address of the consignee; the date of shipment; the kind of distilled spirits; the proof and temperature ascertained at the time of filling prior to removal; the number of inches above or below the full mark (or other clearly designated gauge mark on the conveyance); the purpose of withdrawal (transfer in bond, for denaturation, for use of the United States, etc.); and the quantity in proof gallons. If the distilled spirits are contained in more than one compartment of the conveyance, the information with respect to proof, temperature, gauge mark, and quantity will be furnished for each compartment. In any event, such label or labels shall be destroyed by the consignee after emptying the conveyance. If the distilled spirits so removed are in packages, drums, or similar containers, the proprietor will, under the general supervision of the storekeeper-gauger and before removal, mark such containers in accordance with the applicable provisions of Regulations 3, 4, 5, and 10. The date and purpose of the removal and the registry or permit number (if any) of the consignee must be marked on the head of the package in every instance. When the distilled spirits to be withdrawn are the mingled products of different distillers, the name and registry number of the premises where the distilled spirits were commingled shall be shown on the containers (where required), and on the required forms, in lieu of the names and registry numbers of the producing distillers.

CARRIERS

§ 171.207 *Permit.* Any carrier who desires to transport distilled spirits of 160 degrees or more of proof removed for any tax-free purpose authorized by part II of subchapter C, must procure permit (Form 145) so to do, in accordance with section 3114, I. R. C., and Regulation 3. A carrier who holds a permit to transport tax-free alcohol, or specially denatured alcohol, and who desires to transport tax-free distilled spirits removed from distilleries and internal revenue bonded warehouses, must file application on Form 144 for amendment of his permit, Form 145, to authorize the transportation of such tax-free distilled spirits.

§ 171.208 *Bond; transportation by carrier.* A carrier who holds a permit (Form 145) prescribed by § 171.207, to transport tax-free distilled spirits of 160 degrees or more of proof, in tank trucks or tank barges, and a carrier who desires to transport distilled spirits of any proof, in tank trucks or tank barges, for transfer in bond between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, must file with the district supervisor a bond on Form 49: *Provided,* That a bond will not be required for tank barges if the applicant is a steamship (not including tugboats) company, nor will a bond be required for a self-propelled tank barge. If the transportation is in tank trucks, the penal sum of the bond shall be at the rate of $75,000 for each tank truck and not more than $200,000 for the total of all tank trucks used. If the transportation is in tank barges, the penal sum of the bond shall be $200,000 regardless of the number of tank barges used. If the transportation is to be by both tank trucks and tank barges, the penal sum shall be at the rate of $75,000 for each tank truck or $200,000 for the total of all tank trucks used and at the rate of $200,000 for each tank barge or group of tank barges used, subject to a maximum bond limitation of $400,000 for all tank trucks and tank barges used. The bond shall be filed in triplicate, appropriately modified. Where a carrier holds a permit to transport tax-free or specially denatured alcohol which is supported by bond, Form 49, and files application for amendment of the permit to authorize the transportation of tax-free distilled spirits as provided in § 171.207, or distilled spirits to be transferred in bond as provided in this section, the carrier must file consent of surety, Form 1533, on his bond, extending the terms thereof to cover such distilled spirits, removed tax-free, or transferred in bond. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to be liable for distilled spirits withdrawn free of tax or removed for transfer in bond transported by him, to the same extent as tax-free alcohol transported by him.

§ 171.209 *Bond; transportation by consignor or consignee.* A consignor or consignee in order to transport in tank trucks or tank barges controlled and operated by such consignor or consignee, (a) distilled spirits of any proof for transfer in bond between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses or (b) distilled spirits of 160 degrees or more of proof removed for any tax-free purpose authorized by part II of subchapter C, must file with the district supervisor a bond on Form 49, properly modified, in the penal sum specified in § 171.208: *Provided,* That in lieu of filing such bond, the consignor or consignee may file consent of surety, Form 1533, on his bond, Form 30, 30½, 1571, or 1432A, as the case may be, extending the terms thereof to cover the tax, or an amount equal to the tax, as the case may be, together with all penalties and interest, for which he may become liable, on all distilled spirits transported by him in tank trucks or tank barges. Where the distillery bond, Form 30, or 30½, is filed without surety, supported by consent of surety on the distiller's transportation and warehousing bond, Form 1571, the required consent shall extend the terms of both bonds to assume such liability. Where bond, Form 30, 30½, 1571, or 1432–A is given in an amount less than the penal sum required, a new or additional bond on the respective form, with proper consent of surety, or a separate bond on Form 49, in a sufficient penal sum must be furnished to cover the additional liability. The bond shall be filed in accordance with the applicable provisions of Regulations 3, 4, 5, and 10, and of this subpart. The consent of surety shall be in substantially the following form:

To extend the terms of the said bond to cover liability for the tax or an amount equal to the tax, together with penalties and interest, on all distilled spirits received for transportation or transported by the principal and not lawfully delivered, excepting only losses of such spirits otherwise provided for by law.

GAUGING OF DISTILLED SPIRITS

§ 171.212 *Transferred between bonded premises by pipeline.* When distilled spirits of any proof are transferred by pipeline between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, and when distilled spirits of 160 degrees or more of proof are removed, free of tax, from any such premises for transfer by pipeline to a denaturing plant, for denaturation, as authorized by this subpart, such distilled spirits shall be gauged in a weighing tank at the time of transfer, either in the premises from which they are removed or in the premises to which they are transferred, but the spirits need not be gauged in both premises: *Provided,* That where neither of the premises is equipped with a weighing tank, the spirits may be gauged by volume in accurately calibrated tanks in either of the premises.

§ 171.213 *Transferred between bonded premises by tank cars, tank trucks, or tank barges.* When such distilled spirits are so transferred by tank cars, tank trucks, or tank barges, the spirits must be gauged in a suitable weighing tank in the shipping premises at the time of shipment and in the receiving premises at the time of receipt: *Provided,* That where the shipping or receiving premises, or both, are not equipped with a weighing tank, the spirits transferred in tank cars or tank trucks may be weighed on railroad car or tank truck scales, as the case may be, located on the bonded premises, by weighing the railroad car or tank truck both before and after filling or emptying, or both, as the case may be: *And provided further,* That where the shipping or receiving premises, or both, are not equipped with a weighing tank, railroad car or tank truck scales, the spirits may be gauged by volume in accurately calibrated tanks, but, in any event, they must be gauged (either by

weight or by volume) in both the shipping and receiving premises.

§ 171.214 *Received in distillery or industrial alcohol plant for weighing only.* When it is desired to transfer distilled spirits to an internal revenue bonded warehouse or industrial alcohol bonded warehouse and it is desired to weigh the spirits upon receipt and there are no weighing facilities at the warehouse, but there are such facilities at the distillery or industrial alcohol plant, as the case may be, located on the same or contiguous premises, the spirits may be received in the distillery or industrial alcohol plant for gauging by weight prior to deposit in the warehouse.

§ 171.215 *Removed for use of the United States.* When distilled spirits of 160 degrees or more of proof are withdrawn from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, for use of the United States, they must be gauged by weight, in a weighing tank (except packages, which must be gauged by weight on appropriate scales) in each instance at the premises from which removed: *Provided,* That where the shipping premises are not equipped with a weighing tank and the spirits are transferred in tank cars or tank trucks, they may be weighed on railroad car or tank truck scales, as the case may be, located on the shipping premises, by weighing the railroad car or tank truck both before and after filling: *And provided further,* That where the shipping premises are not equipped with a weighing tank, or railroad car or tank truck scales, the spirits may be gauged by volume in accurately calibrated tanks before removal.

§ 171.216 *Removed for other tax-free purposes or upon taxpayment.* When distilled spirits of 160 degrees or more of proof are withdrawn from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, by pipeline, tank car, or tank truck, for a tax-free purpose (other than for removal for denaturation, exportation by tank ship, or for use of the United States), or upon taxpayment, as authorized by this subpart, the spirits must be gauged by weight in each instance.

§ 171.217 *Determination of proof.* The proof of distilled spirits transferred in bond or withdrawn free of tax for denaturation or for use of the United States, under the provisions of this subpart, will be determined to the nearest one-tenth of a degree. The addition of water to reduce the spirits to a flat proof will not be required except where the spirits are withdrawn for taxpayment or for a tax-free purpose other than for denaturation or for use of the United States, unless in the latter case the Governmental agency to which the spirits are shipped desires to have the spirits so reduced.

DESIGNATION OF DISTILLED SPIRITS

§ 171.220 *General.* Distilled spirits removed under the provisions of this subpart from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses shall be designated in accordance with the applicable provisions of Regulations 3, 4, 5, and 10, except as provided in §§ 171.221 to 171.224.

§ 171.221 *"Neutral spirits—mixed," "spirits—mixed".* Where distilled spirits, originally produced from different kinds of materials, are (a) redistilled together at distilleries in accordance with § 171.236, (b) mingled in tanks at a distillery in accordance with § 171.235, (c) mingled in tanks at an internal revenue bonded warehouse in accordance with § 171.243, or (d) mingled in tank cars, tank trucks, tank barges, etc., in the course of removal from a distillery or an internal revenue bonded warehouse in accordance with § 171.276, they shall be designated "neutral spirits—mixed", if 190 degrees or more of proof, or "spirits—mixed", if of a proof less than 190 degrees.

§ 171.222 *"Alcohol — mixed," "unfinished alcohol—mixed."* Where distilled spirits, originally produced from different kinds of materials, are (a) redistilled together at industrial alcohol plants in accordance with § 171.255, (b) mingled in tanks at an industrial alcohol plant in accordance with § 171.253, (c) mingled in tanks at an industrial alcohol bonded warehouse in accordance with § 171.254, or (d) mingled in tank cars, tank trucks, tank barges, etc., in the course of removal from an industrial alcohol plant or industrial alcohol bonded warehouse in accordance with § 171.276, they shall be designated "alcohol—mixed", if 160 degrees or more of proof, and "unfinished alcohol—mixed", if of a proof less than 160 degrees.

§ 171.223 *Alcohol deposited in distilleries and internal revenue bonded warehouses.* Alcohol deposited in tanks at distilleries in accordance with § 171.231 for purposes other than redistillation, or deposited in tanks in internal revenue bonded warehouses in accordance with § 171.240, may be removed under the designation of "Alcohol" or be redesignated, upon removal, as "neutral spirits—grain," "neutral spirits—cane," or "neutral spirits—fruit," if 190 degrees or more of proof, or "spirits—grain," "spirits—cane," or "spirits—fruit," if less than 190 degrees of proof, in accordance with the applicable provisions of Regulations 4, 5, and 10.

§ 171.224 *Distilled spirits deposited in industrial alcohol plants and bonded warehouses.* Distilled spirits produced at distilleries and subsequently deposited in tanks at industrial alcohol plants and industrial alcohol bonded warehouses, shall be received and accounted for as "alcohol," if 160 degrees or more of proof, or "unfinished alcohol," if less than 160 degrees of proof.

EXEMPTIONS FROM STATUTORY REQUIREMENTS

§ 171.227 *Sunday and night time operations.* Section 3283, I. R. C., provides that, under regulations, section 2836 of the Internal Revenue Code shall not apply to the production or redistillation of distilled spirits at a distillery, nor shall section 2870 of the code apply to the removal of distilled spirits from any distillery or internal revenue bonded warehouse. Section 3103, I. R. C., exempts industrial alcohol plants and industrial alcohol bonded warehouses from the provisions of sections 2836 and 2870 of the code. Distilled spirits may be produced or redistilled at distilleries between 11:00 p. m. Saturday and 1:00 a. m. Monday, or received at or removed from distilleries, internal revenue bonded warehouses, industrial alcohol plants, or industrial alcohol bonded warehouses between sundown and sunrise, or on Sunday, only for use by the United States or any Governmental agency thereof, or for any other purpose deemed by the Commissioner to be necessary to meet the requirements of the national defense: *Provided,* That distilled spirits may be received or removed in tank ships or tank barges at night or on Sunday for any authorized purpose. (The term production, as used in this subpart, shall include mashing, setting fermenters, and distilling.) When it is desired to so produce, redistill, receive, or remove distilled spirits, the proprietor will make application, in duplicate, to the district supervisor for permission so to do. The application shall specify the dates and hours on which it is desired to conduct such operations and the purpose and the necessity therefor. The application shall be filed sufficiently in advance of the time of the operations specified in the application to enable the district supervisor to determine the necessity therefor, and, if he approves the application, to assign a Government officer to supervise the operations where deemed necessary. District supervisors will approve such applications only where (a) the necessity therefor is shown, (b) the purpose is one authorized in this subpart, and (c) Government officers are available for necessary supervision. Where it is desired to conduct operations during such hours regularly, the application may be made, and the permission granted, accordingly.

§ 171.228 *Rectification taxes.* Section 3183, I. R. C., provides, under regulations, that sections 2800 (a) (5) and 3250 (f) of the Internal Revenue Code, levying commodity and occupational rectification taxes, shall not apply to the redistillation of distilled spirits at a distillery, or to the mingling of distilled spirits at a distillery or an internal revenue bonded warehouse, or in the course of removal therefrom.

§ 171.229 *Authorized by the Commissioner.* Section 3183 (b), I. R. C., provides that the Secretary may temporarily exempt proprietors of distilleries, internal revenue bonded warehouses, industrial alcohol plants, or industrial alcohol bonded warehouses from any provision of the internal revenue laws relating to distilled spirits, except those requiring payment of the tax thereon, whenever in his judgment it may seem expedient to do so to meet the requirements of the national defense. By virtue of and pursuant to authority vested in the Secretary by Reorganization Plan No. 26 of 1950, (15 F. R. 4935) authority is hereby conferred and imposed upon the Commissioner of Internal Revenue

to permit nonrecurring operations not authorized by this subpart, where deemed necessary to meet exigencies and the requirements of the national defense, subject to such limitations and conditions as may be imposed by him and provided such operations afford adequate protection to the revenue.

TRANSFERS IN BOND TO DISTILLERIES

§ 171.231 *Authorized transfers.* Distilled spirits of any proof may be transferred in bond to any distillery from any other distillery, or from an internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, for redistillation only, except (a) for gauging in a weighing tank prior to deposit in a warehouse tank where a weighing tank is not available in the warehouse, or (b) for temporary storage in locked tanks pending transfer to warehouse tanks or, if 160 degrees or more of proof, for removal for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery.

§ 171.232 *Consent of surety, Form 1533, on distillery bonds.* The proprietor of a distillery, in order to withdraw distilled spirits from other distilleries, or from internal revenue bonded warehouses, industrial alcohol plants, or industrial alcohol bonded warehouses under the provisions of this subpart, shall file consent of surety, Form 1533, on his distillery bond, Form 30 or 30½, as the case may be, extending the terms thereof to assume liability for payment of the tax on the distilled spirits from the time they leave the distillery, internal revenue bonded warehouse, industrial alcohol plants, or industrial alcohol bonded warehouse from which they are removed. Where the distillery bond, Form 30 or 30½, is filed without surety, supported by consent of surety on the distiller's transportation and warehousing bond, Form 1571, the required consent shall extend the terms of both bonds to assume such liability. Where the distillery bond, Form 30 or 30½, is in less than the maximum penal sum and is insufficient to cover the tax on the spirits to be received, plus the quantity of spirits that will be produced at the distillery during a period of 15 days, a new or additional bond in a sufficient penal sum shall be filed by the distiller. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to insure the payment of all taxes, together with penalties and interest, for which the principal may become liable on distilled spirits removed for transfer in bond to him from registered distilleries, fruit distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, pursuant to section 3183, I. R. C., and regulations, from the time the distilled spirits leave the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, from which removed, including the transportation, redistillation, storage, and disposition of the distilled spirits, as provided by law and regulations.

§ 171.233 *Transfer of liens.* When distilled spirits of any proof are transferred in bond, under the provisions of this subpart, to a distillery from another distillery, or from an internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, the tax liability of the proprietor of the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, from which the spirits are removed, and the liens on such distillery, industrial alcohol plant, or industrial alcohol bonded warehouse, shall cease; and at and from the time the distilled spirits leave the shipping distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, the tax shall be the liability of the proprietor of, and the lien shall be transferred to the premises of, the receiving distillery.

§ 171.234 *Transfer procedure.* The transfer in bond of distilled spirits to a distillery from another distillery or from an internal revenue bonded warehouse will be made pursuant to application, Form 236, in accordance with the applicable procedure prescribed by Regulations 4, 5, and 10: *Provided*, That where the distiller operates an internal revenue bonded warehouse or another distillery on premises contiguous to the receiving distillery and the location of the warehouse or other distillery is such that the storekeeper-gaugers assigned to the receiving distillery and to the warehouse or shipping distillery are able to maintain the same supervision of the transfer of spirits as is required in the case of the deposit in a warehouse on the distillery premises, of spirits produced at such distillery, the transfer may be made pursuant to Form 1520 only; but shipment will not be made until the district supervisor has advised the storekeeper-gauger at the shipping premises that the required consent of surety on the distillery bond has been filed with him. Distilled spirits may be transferred to a distillery for redistillation without the special application of the distiller, or the showing of the need for redistillation prescribed by Regulations 4 and 5. The transfer in bond of alcohol to a distillery from an industrial alcohol plant or industrial alcohol bonded warehouse will be made in accordance with the procedure prescribed by § 171.259.

§ 171.235 *Deposit in tanks.* When distilled spirits are received at a distillery pursuant to § 171.231, they shall be deposited in closed, locked tanks. When received in packages, the contents must be dumped and deposited immediately in such tanks. Distilled spirits received in packages, tank cars, tank trucks, or tank barges, or by pipe line, may be deposited in the same tanks. Distilled spirits of different proof, or which were produced from different kinds of materials, or by different distillers, or at different distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may be deposited in the same tanks. When distilled spirits produced from different kinds of materials are mingled in tanks at a distillery they shall be redesignated in accordance with the provisions of § 171.221 and may be removed only (a) for redistillation in accordance with the provisions of § 171.236, (b) for transfer in bond as specified in this subpart, or (c) if 160 degrees or more of proof, for an authorized tax-free purpose, or upon taxpayment for use in the manufacture of beverage products only where the source of materials from which distilled is not specified or required for labeling purposes. For record purposes, distilled spirits deposited in tanks under the provisions of this section, except for redistillation, shall be accounted for under the designation of "spirits." Distilled spirits received for redistillation shall be accounted for as materials in accordance with the applicable provisions of Regulations 4 and 5.

§ 171.236 *Redistillation.* Distilled spirits received at a distillery for redistillation may be redistilled separately or with other distilled spirits, including distilled spirits of different proof, or produced from different kinds of materials, or produced by different distillers, or at different distilleries: *Provided*, That where distilled spirits produced from grain, cane, fruit, and other materials are redistilled together, the redistilled spirits shall be designated in accordance with § 171.221 and may be removed only (a) for transfer in bond as specified in this subpart, or (b) if 160 degrees or more of proof, for an authorized tax-free purpose, or upon tax payment for use in the manufacture of beverage products only where the source of materials from which distilled is not specified or required for labeling purposes The redistillation of distilled spirits will be in accordance with this subpart and the applicable provisions of Regulations 4 and 5.

§ 171.237 *Records.* Distilled spirits produced or redistilled at registered distilleries and fruit distilleries, and distilled spirits transferred in bond to, or removed for an authorized purpose from, registered distilleries and fruit distilleries, under this subpart, shall be reported and accounted for in accordance with this subpart and the applicable provisions of Regulations 4 or 5, as the case may be.

TRANSFERS IN BOND TO INTERNAL REVENUE BONDED WAREHOUSES

§ 171.240 *Authorized transfers.* Distilled spirits of any proof may be transferred in bond to any internal revenue bonded warehouse from any distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, for storage prior to removal (a) for redistillation, (b) for transfer in bond to other bonded premises as authorized by this subpart, or (c) if 160 degrees or more of proof, for removal for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery.

§ 171.241 *Consent of surety, Form 1533, on warehouse bond.* The proprietor of an internal revenue bonded warehouse, in order to have alcohol trans-

ferred in bond to his warehouse from industrial alcohol plants and industrial alcohol bonded warehouses, shall file consent of surety, Form 1533, on his transportation and warehousing bond, Form 1571, extending the terms thereof to assume liability for payment of the tax on the alcohol from the time it leaves the industrial alcohol plant or industrial alcohol bonded warehouse from which it is removed. Where the warehouse bond is in less than the maximum penal sum and is insufficient to cover the tax on any alcohol to be transferred, determined in accordance with the provisions of Regulations 10 concerning the determination of bond liability, a new or additional bond in a sufficient penal sum shall be filed by the proprietor. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to insure the payment of all taxes, together with penalties and interest, for which the principal may become liable on alcohol removed for transfer in bond to him from industrial alcohol plants and industrial alcohol bonded warehouses, pursuant to section 3183, I. R. C., and regulations, from the time the alcohol leaves the industrial alcohol plant or industrial alcohol bonded warehouse from which removed, including the transportation, storage, and disposition of the alcohol as provided by law and regulations.

§ 171.242 *Transfer procedure.* The transfer in bond of distilled spirits to internal revenue bonded warehouses from distilleries or from other internal revenue bonded warehouses will be made pursuant to application, Form 236, in accordance with the applicable procedure prescribed by Regulations 4, 5, and 10: *Provided,* That where the warehouseman operates a distillery on premises contiguous to the warehouse premises, and the location of the distillery is such that the storekeeper-gaugers assigned to the cistern room and to the warehouse are able to maintain the same supervision of the deposit in the warehouse of spirits produced at such distillery as is required in the case of the deposit in a warehouse on the distillery premises of spirits produced at such distillery, the transfer may be made pursuant to Form 1520 only; but shipment will not be made until the district supervisor has advised the storekeeper-gauger at the warehouse that the required consent of surety on the distillery bond has been filed with him. The transfer in bond of alcohol to an internal revenue bonded warehouse from an industrial alcohol plant or industrial alcohol bonded warehouse will be in accordance with the procedure prescribed by § 171.259.

§ 171.243 *Deposit in tanks.* Distilled spirits received at an internal revenue bonded warehouse from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, may be stored in warehouse tanks, or in the containers in which they were transferred to the warehouse. Distilled spirits transferred to warehouses in packages, tank cars, tank trucks, or tank barges, or by pipeline, may be deposited in the same tanks, subject to the provisions of this section. Distilled spirits produced by the same distiller, of different proof, or which were produced from different kinds of materials, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may be deposited in the same tanks. Distilled spirits produced by different distillers may be mingled and deposited in the same tanks, except that spirits of less than 190 degrees of proof may be mingled only where the spirits are produced for, or sold to, the United States. When distilled spirits produced from different kinds of materials are mingled in tanks at an internal revenue bonded warehouse, they shall be redesignated in accordance with the provisions of § 171.221 and may be removed only (a) for transfer in bond as specified in this subpart, or (b) if 160 degrees or more of proof, for an authorized tax-free purpose, or upon taxpayment for use in the manufacture of beverage products only where the source of materials from which distilled is not specified or required for labeling purposes. For record purposes, distilled spirits deposited in tanks under the provisions of this section shall be accounted for under the designation of "spirits." Additional deposit of spirits may be made in a warehouse tank after removals have been made therefrom without the necessity of first emptying the tank.

§ 171.244 *Records.* The receipt and disposition of distilled spirits at an internal revenue bonded warehouse shall be reported and accounted for in accordance with the provisions of this subpart and the applicable provisions of Regulations 10.

TRANSFERS IN BOND TO INDUSTRIAL ALCOHOL PLANTS AND INDUSTRIAL ALCOHOL BONDED WAREHOUSES

§ 171.248 *Authorized transfers.* Distilled spirits of any proof may be transferred in bond to any industrial alcohol plant from any distillery, internal revenue bonded warehouse industrial alcohol plant, or industrial alcohol bonded warehouse, for redistillation only, except (a) for gauging in a weighing tank prior to deposit in a warehouse tank where a weighing tank is not available in the warehouse, or (b) for temporary storage in locked tanks pending transfer to warehouse tanks or, if 160 degrees or more of proof, for removal for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C. Distilled spirits of any proof may be transferred in bond to any industrial alcohol bonded warehouse from any distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse for storage prior to removal (a) for redistillation, (b) for transfer in bond to other bonded premises as authorized by this subpart, or (c) if 160 degrees or more of proof, for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C, in accordance with this subpart.

§ 171.249 *Consent of surety, Form 1533, on plant or warehouse bond.* The proprietor of an industrial alcohol plant or industrial alcohol bonded warehouse, in order to have distilled spirits transferred in bond to his plant or warehouse, from distilleries or internal revenue bonded warehouses, shall file consent of surety, Form 1533, on his bond, Form 1432–A, extending the terms thereof to assume liability for payment of the tax on the distilled spirits from the time they leave the distillery or internal revenue bonded warehouse from which they are removed. When Form 1432–A is in less than the maximum penal sum and is insufficient to cover the tax on any distilled spirits to be transferred, determined in accordance with the provisions of Regulations 3, concerning the determination of bond liability, a new or additional bond in a sufficient penal sum shall be filed by the proprietor. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to insure the payment of all taxes, together with penalties and interest, for which the principal may become liable on distilled spirits removed for transfer in bond to him from registered distilleries, fruit distilleries, and internal revenue bonded warehouses, pursuant to section 3183, I. R. C., and regulations, from the time the distilled spirits leave the distillery or internal revenue bonded warehouse from which removed, including the transportation, redistillation, storage and disposition of the distilled spirits, as provided by law and regulations.

§ 171.250 *Transfer of lien.* When distilled spirits of any proof are transferred in bond under the provision of this subpart to an industrial alcohol plant or industrial alcohol bonded warehouse from a distillery, an internal revenue bonded warehouse, or another industrial alcohol plant or industrial alcohol bonded warehouse, the tax liability of the proprietor of the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse from which the spirits are removed, and the liens on such distillery, industrial alcohol plant, or industrial alcohol bonded warehouse shall cease; and at and from the time the distilled spirits leave the shipping distillery, internal revenue bonded warehouse, the tax shall be the liability of the proprietor of, and the lien shall be transferred to the premises of, the receiving industrial alcohol plant or industrial alcohol bonded warehouse.

§ 171.251 *Basic and withdrawal permits.* The proprietor of an industrial alcohol plant or industrial alcohol bonded warehouse, in order to withdraw distilled spirits from distilleries and internal revenue bonded warehouses, must file application on Form 1431 with the district supervisor of his district for amendment of his basic permit, Form 1433, to authorize the procurement of such distilled spirits. Application for withdrawal permit shall be made on Form 1436, properly modified, for removal either to the industrial alcohol plant or to the industrial alcohol bonded warehouse. The district supervisor in issuing withdrawal permit on Form 1436 will modify such form to specify "distilled spirits" and withdrawal from a registered distillery, fruit distillery, or

internal revenue bonded warehouse. Distilled spirits may be shipped from distilleries and internal revenue bonded warehouses to industrial alcohol plants and industrial alcohol bonded warehouses only pursuant to, and upon receipt of, proper withdrawal permit on Form 1436 authorizing such shipment, in accordance with the procedure prescribed in Regulations 3.

§ 171.252 *Transfer procedure.* The transfer in bond of distilled spirits of any proof to industrial alcohol plants and industrial alcohol bonded warehouses from distilleries and internal revenue bonded warehouses shall be made in accordance with the applicable procedure prescribed by Regulations 4, 5, and 10, covering transfers in bond between distilleries and internal revenue bonded warehouses, except that Form 1704, in lieu of Form 236, will be used with Form 1520 or Form 1619, as the case may be. Form 1704 will be prepared as indicated by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart. The proprietor will prepare an original and five copies of Form 1704 in the case of intradistrict transfers, and an original and six copies in the case of interdistrict transfers, and submit them with the withdrawal permit, Form 1436, to the storekeeper-gauger. The copies of Forms 1704 and 1520 or 1619 will be disposed of in the same manner as prescribed for the disposition of Forms 236 and 1520 or 1619. The transfer in bond of distilled spirits of any proof to industrial alcohol plants or industrial alcohol bonded warehouses from industrial alcohol plants and industrial alcohol bonded warehouses will be made in accordance with the applicable procedure prescribed by Regulations 3.

§ 171.253 *Deposit in tanks at industrial alcohol plants.* When distilled spirits are received at an industrial alcohol plant pursuant to § 171.248, they shall be deposited in closed, locked tanks. When received in packages, the contents must be dumped and deposited immediately in such tanks. Distilled spirits received in packages, tank cars, tank trucks, or tank barges, or by pipeline, may be deposited in the same tanks. Distilled spirits of different proof, or which were produced from different kinds of materials, or by different distillers, or at different distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may be deposited in the same tanks. When distilled spirits produced from different kinds of materials are mingled in tanks at an industrial alcohol plant, they shall be redesignated in accordance with the provisions of § 171.222 and may be removed only (a) for redistillation in accordance with the provisions of § 171.255, (b) for transfer in bond as specified in this subpart or (c) if 160 degrees or more of proof for an authorized tax-free purpose, or upon taxpayment for nonbeverage purposes or for use in the manufacture of beverage products only where the source of materials from which distilled is not specified or required for labeling purposes. For record purposes, distilled spirits deposited in tanks under the provisions of this section, except for redistillation, shall be classified and accounted for as "alcohol." Distilled spirits received for redistillation shall be accounted for as materials in accordance with the applicable provisions of Regulations 3.

§ 171.254 *Deposit in tanks at industrial alcohol bonded warehouses.* When distilled spirits are received at industrial alcohol bonded warehouses from industrial alcohol plants, industrial alcohol bonded warehouses, distilleries, and internal revenue bonded warehouses pursuant to § 171.248, they may be stored in warehouse tanks, or in the containers in which they were transferred to the warehouse. Distilled spirits transferred to warehouses in packages, tank cars, tank trucks, or tank barges, or by pipeline, may be deposited in the same tanks. Distilled spirits of different proof, or which were produced from different kinds of materials, or by different distillers, or at different distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may be deposited in the same tanks. When distilled spirits produced from different kinds of materials are mingled in tanks at an industrial alcohol bonded warehouse, they shall be redesignated in accordance with the provisions of § 171.222 and may be removed only (a) for transfer in bond as specified in this subpart or (b) if 160 degrees or more of proof for an authorized tax-free purpose, or upon taxpayment for nonbeverage purposes or for use in the maufacture of beverage products only where the source of materials for which distilled is not specified or required for labeling purposes.

§ 171.255 *Redistillation.* Distilled spirits received at an industrial alcohol plant for redistillation may be redistilled separately or with other distilled spirits, including distilled spirits of different proof, or produced from different kinds of materials, or produced by different distillers, or at different distilleries: *Provided,* That where distilled spirits produced from grain, cane, fruit, and other materials are redistilled together, the redistilled spirits shall be designated in accordance with § 171.222 and may be removed only (a) for transfer in bond as specified in this subpart or (b) if 160 degrees or more of proof, for an authorized tax-free purpose, or upon taxpayment, for non-beverage purposes or for use in the manufacture of beverage products only where the source of materials from which distilled is not specified or required for labeling purposes. The redistillation of distilled spirits will be in accordance with this subpart and the applicable provisions of Regulations 3.

§ 171.256 *Records.* Distilled spirits redistilled at industrial alcohol plants, and distilled spirits transferred in bond to, or removed for an authorized purpose from, industrial alcohol plants and industrial alcohol bonded warehouses under this subpart, shall be reported and accounted for in accordance with this subpart and the applicable provisions of Regulations 3.

TRANSFERS IN BOND FROM INDUSTRIAL ALCOHOL PLANTS AND INDUSTRIAL ALCOHOL BONDED WAREHOUSE TO DISTILLERIES AND INTERNAL REVENUE BONDED WAREHOUSES

§ 171.259 *Transfer procedure.* The transfer in bond of alcohol from an industrial alcohol plant or industrial alcohol bonded warehouse to a distillery pursuant to § 171.231, or to an internal revenue bonded warehouse pursuant to § 171.240, will be made in accordance with the applicable procedure prescribed by Regulations 3, governing transfers in bond of alcohol between industrial alcohol bonded premises, except that an additional copy of Form 1440 will be prepared for the files of the storekeeper-gauger at the receiving distillery or internal revenue bonded warehouse. The remaining copies of Form 1440 will be disposed of in the manner prescribed by Regulations 3.

REMOVAL, FREE OF TAX, FOR DENATURATION

§ 171.260 *Authorized withdrawals.* Distilled spirits of 160 degrees or more of proof may be withdrawn, free of tax, for denaturation, from a distillery or an internal revenue bonded warehouse, and, when transferred to an industrial alcohol plant or industrial alcohol bonded warehouse, may be withdrawn therefrom for denaturation, subject to the provisions of part II of subchapter C and in accordance with the procedure prescribed by this subpart and in Regulations 3. Such distilled spirits may also be transferred from one denaturing plant to another in accordance with the provisions of Regulations 3. The withdrawal of alcohol from industrial alcohol plants and industrial alcohol bonded warehouses, for denaturation, will be in accordance with the procedure prescribed in this subpart and by Regulations 3.

§ 171.261 *Basic and withdrawal permits.* The proprietor of a denaturing plant, in order to withdraw distilled spirits of 160 degrees or more of proof, free of tax, for denaturation, from distilleries or internal revenue bonded warehouses, must file application on Form 1431, with the district supervisor of his district, for amendment of his basic permit, Form 1433, to authorize the procurement of such distilled spirits. Application for withdrawal permit shall be made on Form 1463, properly modified, for removal to the denaturing plant. The district supervisor in issuing withdrawal permit on Form 1463 will modify such form to specify "distilled spirits" and withdrawal from a registered distillery, fruit distillery, or an internal revenue bonded warehouse. Distilled spirits may be shipped from distilleries and internal revenue bonded warehouses to denaturing plants, only pursuant to, and upon receipt of, proper withdrawal permit on Form 1463 authorizing such shipment, in accordance with the procedure prescribed in Regulations 3.

§ 171.262 *Consent of surety, Form 1533, on denaturing plant bond.* The proprietor of a denaturing plant, in order to withdraw distilled spirits of 160 degrees or more of proof, free of tax, for denaturation, from distilleries or internal revenue bonded warehouses, shall file consent of surety, Form 1533, on his bond, Form 1432–A, extending the terms thereof to assume liability for payment of the tax on the distilled spirits from the time they leave the distillery or internal revenue bonded warehouse from which they are removed. When Form 1432–A is in less than the maximum penal sum and is insufficient to cover the tax on any distilled spirits to be withdrawn determined in accordance with the provisions of Regulations 3, concerning the determination of bond liability, a new or additional bond in a sufficient penal sum shall be filed by the proprietor. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to be liable for distilled spirits withdrawn free of tax by the principal from registered distilleries, fruit distilleries, and internal revenue bonded warehouses, pursuant to section 3183, I. R. C., and regulations, to the same extent as alcohol withdrawn, free of tax from industrial alcohol plants and bonded warehouses.

§ 171.263 *Withdrawal procedure.* The withdrawal of distilled spirits of 160 degrees or more of proof, free of tax, for denaturation, from distilleries and internal revenue bonded warehouses, shall be made in accordance with the procedure prescribed by § 171.252 for the transfer of distilled spirits from such premises to industrial alcohol plants and industrial alcohol bonded warehouses, except that the distiller or warehouseman, as the case may be, will present to the storekeeper-gauger withdrawal permit, Form 1463, in lieu of withdrawal permit, Form 1436. The withdrawal of such spirits from industrial alcohol plants and industrial alcohol bonded warehouses, and other denaturing plants, for denaturation, will be in accordance with the procedure prescribed by Regulations 3.

§ 171.264 *Records.* Distilled spirits of 160 degrees or more of proof withdrawn free of tax for denaturation shall be reported and accounted for by storekeeper-gaugers and proprietors on their monthly report prescribed by Regulations 3, 4, 5, or 10, as the case may be. For record purposes, distilled spirits received at a denaturing plant for denaturation shall be classified and accounted for as "alcohol." Upon denaturation such spirits will be designated as "completely denatured alcohol" or "specially denatured alcohol," as the case may be, and withdrawn as such from the denaturing plant.

REMOVALS, FREE OF TAX, FOR USE OF THE UNITED STATES

§ 171.265 *Authorized withdrawals.* Distilled spirits of 160 degrees or more of proof may be withdrawn, free of tax, for use of the United States, from any distillery or internal revenue bonded warehouse, and, when transferred to an industrial alcohol plant or industrial alcohol bonded warehouse, may be withdrawn therefrom for such purpose, subject to the provisions of part II of subchapter C and in accordance with the procedure prescribed by this subpart and in Regulations 3. Pursuant to permit, Form 1444, issued by the Commissioner authorizing withdrawals for use of the United States, such distilled spirits, including alcohol produced at industrial alcohol plants, may be so withdrawn, prior to denaturation, from denaturing plants when such withdrawals are deemed necessary to meet the requirements of the national defense. The withdrawal of alcohol from industrial alcohol plants and industrial alcohol bonded warehouses for use of the United States will be in accordance with the procedure prescribed in this subpart and by Regulations 3.

§ 171.266 *Application and permit, Form 1444.* The head of the Government department or independent bureau or agency desiring to withdraw distilled spirits of 160 degrees or more of proof, free of tax, from distilleries and internal revenue bonded warehouses, shall file application, in quadruplicate, on Form 1444 (appropriately modified) directly with the Commissioner, in accordance with the applicable procedure prescribed by Regulations 3. Upon receipt of an application on Form 1444, the Commissioner will issue a permit on such form (appropriately modified), in accordance with the applicable procedure prescribed by Regulations 3. The original and one copy of Form 1444 shall be forwarded to the head of the department or independent bureau or agency making application for the permit, who in turn shall retain a copy and forward the original to the vendor named in the permit. One copy will be retained by the Commissioner for his files and the remaining copy will be forwarded to the district supervisor of the district in which the vendor named in the application is located.

§ 171.267 *Withdrawals of distilled spirits.* When withdrawals of distilled spirits of 160 degrees or more of proof are to be made, free of tax, for use of the United States, the proprietor of the premises from which the distilled spirits are to be withdrawn will present the permit, Form 1444, to the storekeeper-gauger and designate the spirits to be withdrawn.

(a) *From distilleries and warehouses.* Where distilled spirits are withdrawn from distilleries and internal revenue bonded warehouses, the storekeeper-gauger will gauge the spirits and prepare Form 1520, in quadruplicate. The proprietor will prepare Form 1453, in quintuplicate, and give all copies to the storekeeper-gauger. Upon release of the shipment, the storekeeper-gauger will retain one copy of Form 1453 and one copy of Form 1520, deliver one copy of each form to the proprietor, forward two copies of Form 1453 and one copy of Form 1520 to the consignee, and forward the remaining copy of each form to the consignor district supervisor.

(b) *From industrial alcohol plants and warehouses.* Where alcohol is withdrawn from industrial alcohol plants, industrial alcohol bonded warehouses, or denaturing plants (when authorized) the proprietor will prepare Form 1440 and Form 1453, each in triplicate. Upon release of the shipment, the storekeeper-gauger will deliver one copy of Form 1453 and Form 1440 to the proprietor, forward two copies of Form 1453 and one copy of Form 1440 to the consignee and forward the remaining copy of Form 1440 to the consignor supervisor.

Where shipment is by motor truck, the copies of Forms 1453 and 1520 or 1440 for the consignee will be sealed in an envelope addressed to the consignee and handed to the person in charge of the trucks for delivery. Where the distilled spirits are to be transported by public carrier, the consignor shall furnish to the storekeeper-gauger, for forwarding to the district supervisor with Forms 1453 and 1520 or 1440, a copy of the bill of lading, if any, covering transportation of the spirits from the point of shipment to destination.

§ 171.268 *Certificate of receipt.* Receipt of each shipment of distilled spirits withdrawn for use of the United States shall be promptly certified to on Form 1453, in duplicate, by the official representative of the United States or Governmental agency thereof to whom delivery of such shipment is made. Where inspection at destination discloses a loss in transit, such loss will be noted on each copy of Form 1453 by the receiving officer, who will state whether the condition of the conveyance when received indicates that the loss was due to theft or to other cause. One copy of the receipted Form 1453 shall be forwarded promptly to the district supervisor from whose district the withdrawal is made, and the remaining copy will be retained by the consignee.

REMOVALS, FREE OF TAX, FOR SCIENTIFIC PURPOSES, USE OF HOSPITALS, ETC.

§ 171.270 *Authorized withdrawals.* Distilled spirits of 160 degrees or more of proof may be withdrawn, free of tax, for scientific purposes, use of hospitals, states, etc., from a distillery or an internal revenue bonded warehouse, and, when transferred to an industrial alcohol plant or industrial alcohol bonded warehouse, may be withdrawn therefrom for such purposes, subject to the provisions of part II of subchapter C and in accordance with the procedure prescribed in Regulations 3. The withdrawal of alcohol from industrial alcohol plants and industrial alcohol bonded warehouses for scientific purposes, use of hospitals, states, etc., will be in accordance with the procedure prescribed in this subpart and by Regulations 3.

§ 171.271 *Basic and withdrawal permits.* Where it is desired to withdraw distilled spirits of 160 degrees or more of proof, free of tax, from distilleries or internal revenue bonded warehouses, as provided in § 171.270, application shall be made on Form 1447 properly modified, in triplicate, to the district supervisor for basic permit to use such distilled spirits. Action by the district supervisor in respect to such applications will be in accordance with the applicable

provisions of Regulations 3. A permittee whose basic permit, Form 1447, authorizes the procurement of alcohol free of tax and who desires to procure distilled spirits of 160 degrees or more of proof from distilleries or internal revenue bonded warehouses shall file application on Form 1447 with the district supervisor for the amendment of his basic permit to authorize the procurement of such distilled spirits. Where a permittee holding a basic permit, Form 1447, to use distilled spirits free of tax desires to procure tax-free distilled spirits under such permit, application on Form 1450, properly modified, will be filed in accordance with the provisions of Regulations 3. The district supervisor in issuing withdrawal permit on Form 1450 will modify such form to specify "distilled spirits" and withdrawal from a registered distillery, fruit distillery, or an internal revenue bonded warehouse. Distilled spirits may be shipped from distilleries and internal revenue bonded warehouses to holders of basic permits, Form 1447, only pursuant to, and upon receipt of, proper withdrawal permit on Form 1450 authorizing such shipment in accordance with the procedure prescribed in Regulations 3.

§ 171.272 *Bonds.* A permittee who holds a permit, Form 1447, prescribed by § 171.271, to withdraw distilled spirits of 160 degrees or more of proof, free of tax, from distilleries or internal revenue bonded warehouses must file with the district supervisor a bond on Form 1448 in accordance with the applicable provisions of Regulations 3. Where a permittee holds a permit to withdraw alcohol free of tax from industrial alcohol plants or industrial alcohol bonded warehouses, which is supported by bond, Form 1448, and files application for amendment of the permit to authorize the withdrawal of tax-free distilled spirits as provided in § 171.271, the permittee must file consent of surety, Form 1533, on his bond, extending the terms thereof to cover such tax-free distilled spirits. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to be liable for distilled spirits withdrawn free of tax by the principal from registered distilleries, fruit distilleries, and internal revenue bonded warehouses, pursuant to section 3183, I. R. C., and regulations, to the same extent as alcohol withdrawn free of tax from industrial alcohol plants and bonded warehouses.

§ 171.273 *Withdrawal procedure.* The withdrawal of distilled spirits of 160 degrees or more of proof, free of tax, for scientific purposes, use of hospitals, states, etc., from distilleries and internal revenue bonded warehouses shall be made in accordance with the applicable procedure prescribed by Regulations 3, except that Form 1520 will be used in lieu of Form 1440. The Government officer will insert on Form 1520 the name and address of the consignee. The withdrawal of distilled spirits for such purposes from industrial alcohol plants and industrial alcohol bonded warehouses shall be in accordance with the procedure prescribed in this subpart and by Regulations 3.

REMOVALS FOR EXPORTATION WITHOUT PAYMENT OF TAX

§ 171.274 *Authorized withdrawals.* Distilled spirits of 160 degrees or more of proof may be withdrawn for exportation in approved containers, without payment of tax, from a distillery or an internal revenue bonded warehouse, and when transferred to an industrial alcohol plant or industrial alcohol bonded warehouse may be withdrawn therefrom for exportation without payment of tax, subject to the provisions of part II, subchapter C and in accordance with the procedure prescribed in this subpart and the applicable procedure prescribed by Regulations 3 and 10. The withdrawal of alcohol from industrial alcohol plants and industrial alcohol bonded warehouses, for exportation, will be in accordance with the procedure prescribed in this subpart and by Regulations 3.

GENERAL

§ 171.275 *Losses.* The provisions of section 2901 of the Internal Revenue Code and the applicable provisions of Regulations 4, 5, and 10 shall apply in respect to losses of any distilled spirits transferred or removed for transfer under this subpart to a distillery or internal revenue bonded warehouse. The provisions of section 3113 of the code and the applicable provisions of Regulations 3 shall apply in respect to losses of any distilled spirits transferred or removed for transfer under this subpart to an industrial alcohol plant or industrial alcohol bonded warehouse. The provisions of section 3113 of the code and the applicable provisions of Regulations 3 shall apply in respect to losses of any distilled spirits removed from a distillery or an internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse, or denaturing plant for any tax-free purpose authorized by part II of subchapter C.

§ 171.276 *Mingling during course of removal, same premises.* Distilled spirits removed from distilleries, internal revenue bonded warehouses, industrial alcohol plants, industrial alcohol bonded warehouses, and denaturing plants, under section 3183 of the Internal Revenue Code and this subpart, for transfer in bond, or if 160 degrees or more of proof, for denaturing of for use of the United States, may be mingled in tank cars, tank trucks, tank barges, etc., during the course of removal from the shipping premises. When distilled spirits produced from different kinds of materials are so mingled, they shall be redesignated in accordance with the applicable provisions of §§ 171.221 and 171.222.

§ 171.277 *Mingling during course of removal, different premises.* In order that transportation facilities may be utilized economically, additional deposits of distilled spirits may be made in tank cars, tank trucks, tank barges, etc., after removal from the premises of the original consignor and during the course of transportation to the premises of the ultimate consignee. Where such an additional deposit is to be made, the Government officer assigned to supervise the deposit will examine the conveyance and determine whether the seals are intact, and whether there is any evidence of tampering. The Government officer will then remove only those seals necessary to check the contents as to dry inches and proof and to permit the deposit of additional spirits, after which he will determine the composite proof and the dry inches. The conveyance will then be sealed. When distilled spirits produced from different kinds of materials are so mingled, they shall be redesignated in accordance with the applicable provisions of §§ 171.221 and 171.222. A separate withdrawal form shall be prepared in respect of each such additional deposit as, for example, Forms 236 and 1520 or 1440 for transfers in bond. Except as provided herein, the withdrawal procedure shall be in accordance with the provisions of this subpart concerning an original withdrawal. The Government officer will note on the withdrawal forms covering the additional deposit the fact that such a withdrawal deposit was made together with information concerning any shortages in the original shipment. In addition to the label required by § 171.205 to be affixed to the conveyance at the time of the original withdrawal, another label shall be similarly affixed showing the information required by § 171.205 describing the additional deposit and, in addition thereto, the composite proof and gallonage and the dry inches remaining after the deposit is completed. When such composite shipments are to be made, the prescribed labels will be prepared in such form as to permit the attachment of additional labels to the route board. When it is desired to make additional deposits in a conveyance, the consignee proprietor desiring to follow such procedure will make application, in duplicate, to the district supervisor for permission so to do. The application shall specify the dates on which it is desired to follow such procedure and the necessity therefor together with sufficient information to enable the district supervisor to determine the necessity therefor, and if he approves the application to advise the Government officers concerned so that proper control and supervision can be exercised. Where it is desired to follow such procedure regularly, the application will be made, and the permission granted accordingly.

§ 171.278 *Establishment of denaturing plants.* Proprietors of registered distilleries, fruit distilleries, and internal revenue bonded warehouses, from which distilled spirits of 160 degrees or more of proof are withdrawn under section 3183, I. R. C., and this subpart, may establish denaturing plants in accordance with the applicable provisions of Regulations 3 for operation during the effective period of this subpart. Except when deemed necessary to meet the requirements of the national defense, the establishment of such denaturing plants will be restricted to those established in conjunction with premises from which distilled spirits are withdrawn for denaturation.

§ 171.279 *Additional requirements.* The Commissioner may require the pro-

prietor or the Government officer to prepare such additional copies of forms prescribed by this subpart or by the pertinent provisions of Regulations 3, 4, 5, and 10, or such other records, as he may deem necessary to meet the requirements of the national defense.

§ 171.280 *Termination of regulations.* The regulations contained in this subpart and all operations authorized thereunder shall cease to be effective five years from the date of enactment of section 3183, I. R. C. The qualified status of industrial alcohol bonded warehouses and denaturing plants established by nonproducers of alcohol under part II of subchapter C and the applicable provisions of this subpart and Regulations 3 shall likewise cease and the permits issued therefor shall terminate on such date, except as to the removal of any alcohol stored therein at such time.

3. Subpart F of this part, consisting of §§ 171.150–171.158 (Treasury Decision 5814, effective November 1950 (15 F. R. 7498)), is hereby revoked.

4. These regulations will be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 51–8711; Filed, July 27, 1951; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 4161]

TRANS AMERICAN AIRWAYS, INC., ET AL.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the revocation of Letter of Registration No. 1760 issued to Trans American Airways, Inc., Letter of Registration No. 810 issued to Great Lakes Airlines, Inc., Letter of Registration No. 1519 issued to Golden Airways, Inc., and the alleged unauthorized air transportation activities and operations of Edward Ware Tabor and Sky Coach Air Travel, Inc.

Notice is hereby given that oral argument in the above-entitled proceeding is postponed from July 31 to September 13, 1951, at 10:00 a. m., e. d. s. t., in room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., July 25, 1951.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 51–8734; Filed, July 27, 1951; 8:49 a. m.]

[Docket No. 4762 et. al.]

PIEDMONT CERTIFICATE RENEWAL CASE

NOTICE OF HEARING

Notice is hereby given that a hearing in the above-entitled proceeding involving local and feeder air transportation service over the routes of Piedmont Aviation, Inc., as presently operated or proposed to be modified, is assigned to be held on August 20, 1951, at 10:00 a. m., e. d. s. t., in Conference Room A of the Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Without limiting the scope of the issues presented by the applications and the Board's orders, particular attention will be directed to:

I. Whether the public convenience and necessity require the alteration, amendment, or modification of the present temporary certificate of Piedmont Aviation, Inc., for route No. 87 so as to provide, in whole or in part, any or all of the following:

(a) Renew said certificate, with the exception of the intermediate point Danville, Va., on route segment 3 thereof, for a period of 5 years;

(b) Renew the authorization to serve Danville, Va., for an additional period of one year;

(c) Redesignate Hickory, N. C., as an alternate intermediate point to the intermediate point Asheville, N. C., on route segment 1;

(d) Include Winston-Salem, N. C., as an alternate intermediate point to the intermediate point Danville, Va., on route segment 3;

(e) Extend route segment 2 from the intermediate point Beckley, W. Va., to Lexington, Ky.;

(f) Extend route segment 1 (a) from the terminal point Wilmington, N. C., to New Bern, N. C., for a period of one year;

(g) Redesignate the terminal point Morehead City, N. C., on route segment 1 as Morehead City-Beaufort, N. C.;

(h) Restrict service at the intermediate point Aberdeen-Southern Pines-Pinehurst, N. C., on route segment 1 to the period between November 1 and April 30; and

(i) Eliminate the points Portsmouth, Ohio, Princeton-Bluefield, W. Va., and Charlottesville, Va., on route segment 2.

(j) Extension of the authorization to serve the intermediate point Danville, Va., for such period, not to exceed 5 years, as may be required by the public convenience and necessity, and the elimination from Route No. 87 of such terminal and intermediate points as may be required by the public convenience and necessity.

(k) Amendment of the certificate of Capital Airlines, Inc., for route No. 51 so as to eliminate therefrom the intermediate point Hickory, N. C.

(l) The air transportation proposed in the applications of Burlington, N. C., Docket No. 3417; City of Winston and Lenoir County, N. C., Docket No. 3560, as amended; City and Chamber of Commerce of Myrtle Beach, S. C., Docket No. 4678; Pitt County-City of Greenville, N. C., Airport Commission, Docket No. 3487, as amended; and Town of Wilson, N. C., Docket No. 4930; Piedmont Aviation, Inc., Docket Nos. 3395, 3727, 4838, and 4840; Eastern Air Lines, Inc., Docket No. 4837; and Delta Air Lines, Inc., Docket No. 4836.

II. Whether the air carrier applicants Piedmont Aviation, Inc., Eastern Air Lines, Inc., and/or Delta Air Lines, Inc., are fit, willing, and able to engage in local and feeder service over Route No. 87 as presently operated or proposed to be modified.

For further details of the service proposed and authorizations requested interested persons are referred to the applications, orders, petitions, motions, answers, correspondence, and the prehearing conference report on file with the Board.

Any person, other than parties of record, desiring to be heard in this proceeding should file with the Board on or before August 20, 1951, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D. C., July 24, 1951.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 51–8736; Filed, July 27, 1951; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 14]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENT OF PRICES RELATING TO ICE

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812), as amended, and Executive Order 10161 (15 F. R. 6105), Economic Stabilization General Order No. 2 (16 F. R. 738), this delegation of authority is hereby issued.

1. Authority to act under GCPR, SR 45. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act on all applications for adjustment under the provisions of sections 1–6 inclusive of GCPR, SR 45, as amended. The authority herein delegated may be redelegated

to the Directors of District Offices of the Office of Price Stabilization.

The delegation of authority shall take effect on August 1, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 27, 1951.

[F. R. Doc. 51-8810; Filed, July 27, 1951; 12:19 p. m.]

[Delegation of Authority 15]

ASSISTANT DIRECTOR FOR PRICE OPERATIONS

DELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER CEILING PRICE REGULATIONS 13, 17 AND 32

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812) as amended, Executive Order No. 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization, to deny applications for adjustments of price ceilings made in accordance with the provisions of Ceiling Price Regulation 13, Ceiling Price Regulation 17 and Ceiling Price Regulation 32.

2. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization, to make adjustments of ceiling prices in accordance with the adjustment provisions in Ceiling Price Regulation 13, Ceiling Price Regulation 17 and Ceiling Price Regulation 32.

3. The authority herein delegated may be redelegated to the Director of the Transportation, Public Utilities and Fuels Division of the Office of Price Stabilization.

This delegation of authority shall take effect on 28th day of July 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 27, 1951.

[F. R. Doc. 51-8809; Filed, July 27, 1951; 12:19 p. m.]

[Delegation of Authority 15, Supplement 1]

DIRECTOR OF TRANSPORTATION, PUBLIC UTILITIES AND FUELS DIVISION

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS OF CEILING PRICES UNDER CEILING PRICE REGULATIONS 13, 17 AND 32

By virtue of the authority vested in me as Assistant Director for Price Operations, Office of Price Stabilization, and Delegation of Authority 15, this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Director of the Transportation, Public Utilities and Fuels Division of the Office of Price Stablization, to deny applications for adjustments of price ceilings made in accordance with the provisions of Ceiling Price Regulation 13, Ceiling Price Regulation 17 and Ceiling Price Regulation 32.

2. Authority is hereby delegated to the Director of Transportation, Public Utilities and Fuels Division of the Office of Price Stabilization to make adjustments of ceiling prices in accordance with the adjustment provisions in Ceiling Price Regulation 13, Ceiling Price Regulation 17 and Ceiling Price Regulation 32.

This delegation of authority shall take effect on 28th day of July 1951.

EDWARD F. PHELPS,
Assistant Director of the Office of Price Stabilization.

JULY 27, 1951.

[F. R. Doc. 51-8808; Filed, July 27, 1951; 12:19 p. m.]

FEDERAL POWER COMMISSION

[Project No. 1628]

L. D. SWEET

NOTICE OF ORDER WITH RESPECT TO ISSUING NEW LICENSE (MINOR)

JULY 24, 1951.

Notice is hereby given that, on June 5, 1951, the Federal Power Commission issued its order entered May 29, 1951, issuing new license (minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8680; Filed, July 27, 1951; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

ORDER OF HEARING PROCEDURE

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs for Television Broadcasting, Docket No. 8976.

1. On July 13, 1951, the Commission issued a "Notice of Proposed Procedure" (FCC 51-711) in the above-entitled matters, which stated that the Commission proposed to adopt, in principle, a hearing procedure in the remaining portion of these proceedings, requested in a petition filed July 6, 1951, by the National Association of Radio and Television Broadcasters in behalf of its Television Board (NARTB-TV). The NARTB-TV petition urged that the following procedure be adopted in these proceedings in lieu of oral hearings:

(1) Provide interested parties of record an opportunity to participate in further rule making on these subjects solely through submission of written data, views, or arguments in lieu of oral presentation in open hearing, said material to have the same force and effect as if such testimony and evidence had been presented orally at the hearing scheduled to begin on July 23, 1951.

(2) Provide for a 30-day period from the date of grant of this petition within which such parties of record may fully implement comments (including data, views or arguments) previously filed, having due notice that opportunity for oral presentation will not be provided, unless good cause is shown to the contrary by specific petition.

(3) Provide for an additional 30-day period within which such parties of record may submit written comments (including data, views, or arguments) in opposition to the implemented and additional comments filed in accordance with paragraph 2 above.

(4) Provide for the submission of the above specified, written testimony and evidence in affidavit form.

(5) Provide that such written data, views or arguments shall be filed with the Commission in sufficient number to permit reasonable access thereto at the Commission.

2. In its Notice of Proposed Procedure the Commission listed those parties who had indicated support of the NARTB-TV petition,[1] summarzied the reasons advanced by NARTB-TV in support of its petition, and stated in part as follows:

(5) The Commission is cognizant of the compelling need of concluding the instant proceedings at the earliest possible date consistent with due consideration of the important basic issues involved. It is keenly aware of the considerations referred to in the petitions described above and of the fact that the interest of the people of the United States requires that television become available on a nationwide scale at the earliest practicable moment and on a basis that will make for a fair, efficient, and equitable distribution of television service. It has, therefore, had under consideration possible methods for expediting progress of the instant proceedings in order to accomplish this objective.

As a result of such consideration, including a review of the petitions described above, the Commission announced a proposed written procedure for completion of the above-entitled proceedings, similar to that proposed by the NARTB-TV.

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[1] The Notice of Proposed Procedure issued July 13, 1951, enumerated the following parties who supported the NARTB-TV petition: Keokuk Broadcasting Company, Keokuk, Iowa; Allegheny Broadcasting Company, Pittsburgh, Pennsylvania; Hirsch Broadcasting Company, Cape Girardeau, Missouri; The Gable Broadcasting Company, Altoona, Pennsylvania; Orlando Broadcasting Company, Orlando, Florida; KFRU, Inc., Columbia, Missouri; Lynchburg Broadcasting Corporation, Lynchburg, Virginia; and Pittsburg Broadcasting Company, Inc., Pittsburg, Kansas. In addition, the NARTB-TV petition was supported by the following other parties not listed in the Notice of Proposed Procedure: WGAL, Inc., Lancaster, Pennsylvania; WDEL, Inc., Wilmington, Delaware; Birmingham Broadcasting Co., Inc., Birmingham, Alabama, and Giddens & Rester, Mobile, Alabama.

3. In accordance with its Notice of July 13, 1951, the Commission held a formal pre-hearing conference on July 20, 1951, for the purpose of discussing the adoption of the proposed procedure. Over 200 parties appeared and participated in this conference. With the exceptions noted below, all the parties participating in the conference supported or did not object to the adoption of a written procedure in lieu of the further oral hearings contemplated by the Commission's "Third Notice of Further Proposed Rule Making" (FCC 51–244) issued in these proceedings. Allen B. DuMont Laboratories, Inc., Daily News Television Company, Pennsylvania Broadcasting Company, City Broadcasting Company and Michigan State College objected to any procedure which would preclude them from presenting oral testimony in these proceedings.

4. In addition to the views expressed at the pre-hearing conference held on July 20, 1951, the Commission has received written comments relating to the proposed procedure filed by numerous parties.[1] Some of these comments supporting the adoption of the proposed procedure also urged that greater periods of time be provided for the filing of evidence in writing in this proceeding than that suggested in the NARTB–TV petition. Some of the parties, although generally supporting the Commission's proposed procedure, urged that provision be made for the reception of some evidence by oral presentation.

5. Upon consideration of the pleadings filed with respect to the NARTB–TV petition, the Commission's Notice of Proposed Procedure issued July 13, 1951, the written comments filed pursuant to the July 13, 1951 Notice, and of the record of the pre-hearing conference held July 20, 1951, the following procedure is adopted for the remaining portion of these proceedings in lieu of the oral hearings now scheduled to commence on July 30, 1951:

a. The further oral hearings in the above-entitled proceedings now scheduled to commence July 30, 1951, are cancelled.

b. Any person who, pursuant to paragraph 12 of the Third Notice of Further Proposed Rule Making (FCC 51–244), issued on March 22, 1951 in these proceedings, has filed an appropriate comment or opposition with respect to Appendices C and D of the Third Notice, will be permitted to file sworn written statements or exhibits fully setting out their position in support of such pleadings. Parties who have heretofore filed such comments or oppositions may, if they choose, adopt such comments or oppositions, or any designated portion thereof, as their complete presentation with respect to any issue, by the filing of a sworn statement verifying the matters of fact set out therein.

c. Any person eligible to submit sworn statements or exhibits pursuant to subparagraph b above, will be permitted to submit sworn statements or exhibits directed against statements or exhibits offered by other parties pursuant to subparagraph b above.

d. Any statements or exhibits filed in accordance with subparagraphs b and c above which are not sworn to will not receive consideration by the Commission.

e. The Commission will, upon its own motion, or that of any proper party:

(1) Permit any party who has filed a sworn statement or exhibit in this proceeding in accordance with subparagraphs b or c above to make an oral presentation, in addition to the submission of such sworn statements or exhibits, with respect to any issue which in the Commission's judgment cannot be satisfactorily considered and disposed of without such oral presentation; and

(2) Order cross-examination of any person or party who has filed a sworn statement or exhibit in this proceeding in accordance with subparagraphs b or c above, if upon review of the statements and exhibits, it appears that relevant factual issues cannot otherwise be satisfactorily resolved.

f. Any party who has filed a sworn statement or exhibit pursuant to subparagraphs b and c above will be permitted to file a supporting brief with respect to any matter of fact or law raised by such statements or exhibits.

6. The Commission will not consider any sworn statements or exhibits, or any part thereof, filed pursuant to subparagraphs 5 b and c above which would have been inadmissible if presented as evidence in the oral hearings in these proceedings. Any party will be permitted to file a sworn statement or exhibit pursuant to subparagraph 5c above if such party would have been eligible to cross examine witnesses, or offer rebuttal, had these proceedings been conducted orally. It should be noted that parties whose comments filed in these proceedings on May 7, 1951, were by their terms in conflict with other comments, will be entitled to file sworn statements or exhibits in accordance with subparagraph 5c above even though specific oppositions directed to such other comments have not been filed.

7. In view of the fact that the issues raised by Appendices A and B of the Third Notice of Further Proposed Rule Making (FCC 51–244) are interrelated with those raised by the issues to be determined in the remaining portion of these proceedings, and in order to permit parties to make a full presentation of their cases, the Commission has decided not to finalize Appendices A and B at this time. However, sworn statements or exhibits filed pursuant to paragraph 5 above must be consistent with Appendices A and B, with the following express exception: If a comment or opposition with respect to Appendices C and D of the Third Notice deviates from Appendices A or B, a sworn statement or exhibit inconsistent with Appendices A and B may be filed pursuant to paragraph 5 above if such statement or exhibit is inconsistent with Appendices A and B only to the extent that the comment or opposition is inconsistent with Appendices A and B.

8. Fifty copies of any statement or exhibit filed in accordance with subparagraphs 5 b and c above, or any pleading or brief filed pursuant to paragraph 5 e and f above, shall be filed with the Commission. Copies of such statements, exhibits, pleadings or briefs will be made available in the Commission's Public Reference Room, Room 8454, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D. C., for use by the parties. Such statements, exhibits, pleadings or briefs will be available for loan for reasonable periods of time upon request in person or by mail. Parties are encouraged but not required to serve copies of their statements, exhibits, pleadings and briefs on all other parties whose interests are affected by such documents.

9. Statements or exhibits filed pursuant to subparagraph 5c above shall be directed to the statements or exhibits of only one party, and shall clearly indicate on their face the party against whom such statements or exhibits are directed. Accordingly, parties desiring to file statements or exhibits pursuant to subparagraph 5c above, directed against statements or exhibits of more than one party, shall file separate statements or exhibits.

10. Reference is made to the Commission's "Notice of Order of Testimony" (Mimeo. 66241) issued July 19, 1951, and to the "*Addendum* to the Notice of Order of Testimony" (Mimeo. 66394) issued July 25, 1951. As indicated in the Table below the Notice of Order of Testimony, as corrected by the Addendum, will serve as a basis for the order in which the sworn statements or exhibits and other pleadings and briefs provided for by paragraph 5 above will be filed

[1] *Comments generally supporting proposed procedure.* Havens & Martin, Richmond, Virginia; Joint Committee on Educational Television; Piedmont Broadcasting Corporation, Danville, Virginia; Chanticleer Broadcasting Company, New Brunswick, New Jersey; Western Slope Broadcasting Company, Grand Junction, Colorado; Veterans Broadcasting Company, Inc., Rochester, New York; Durham Broadcasting Enterprises, Inc., Durham, North Carolina; Capital Broadcasting Company, Inc., Raleigh, North Carolina; Eastern Utah Broadcasting Company, Price, Utah; Alvin E. O'Konski, Merrill, Wisconsin; Ken-Soll, Inc., West Palm Beach, Florida; Northwest Colorado Broadcasting Company, Craig, Colorado; Uncompaghre Broadcasting Company, Montrose, Colorado; WJR, The Goodwill Station, Inc., Detroit, Michigan; The Gazette Company, Cedar Rapids, Iowa; Buffalo Courier Express, Inc., Buffalo, New York; WGR Broadcasting Corporation, Buffalo, New York; WBKW, Inc., Buffalo, New York; WHUB, Inc., Cookeville, Tennessee; United Broadcast Company, Cleveland, Ohio; The WGAR Broadcasting Company, Cleveland, Ohio; Davenport, Broadcasting Company, Inc., Davenport, Iowa; WAVZ Broadcasting Corporation, New Haven, Connecticut; Earle C. Anthony, Inc., Los Angeles, California; The Travelers Broadcast Service Corporation, Hartford, Connecticut; The William H. Block Company, Indianapolis, Indiana; Booth Radio Corporation, Atlantic City, New Jersey; WCNT, Inc., Centralia, Illinois; WPIX, Inc., New York and WSM, Inc., Nashville, Tennessee.

Comments opposing adoption of proposed procedure. Allen B. Dumont Laboratories, Inc.; Daily News Television Company, Philadelphia, Pennsylvania.

with the Commission. The following Table shall be followed with respect to the date of filing of all statements, exhibits, pleadings and briefs in accordance with subparagraphs 5 b, c, e, and f above:

Parties who have filed proper comments or oppositions and who are listed in one of the following groups contained in the notice of order of testimony or addendum thereto.	Sworn statements or exhibits filed pursuant to subpar. 5 (b) above will be filed on or before.	Sworn statements or exhibits filed pursuant to subpar. 5 (c) and directed against statements or exhibits filed under subpar. 5 (b) above will be filed on or before	Pleadings filed pursuant to subpar. 5 (e) and briefs filed pursuant to subpar. 5 (f) will be filed on or before.
Allen B. DuMont Laboratories, Inc.; parties who have filed oppositions to the comments of Allen B. DuMont, Laboratories.	Aug. 27	Sept. 17	Oct. 1.
Groups A through F	Sept. 4	Sept. 25	Oct. 9.
Groups G through M	Sept. 10	Oct. 1	Oct. 15.
Groups N through R	Sept. 17	Oct. 8	Oct. 22.
Groups S through W	Sept. 24	Oct. 15	Oct. 29.
Groups X through AA	Oct. 1	Oct. 22	Nov. 5.
Groups BB through EE	Oct. 8	Oct. 29	Nov. 12.
Groups FF through II	Oct 15	Nov. 5	Nov. 19.
Groups JJ through NN	Oct. 22	Nov. 12	Nov. 26.

11. All statements or exhibits filed pursuant to subparagraph 5c above must be filed not later than 21 days after the statement or exhibit against which it is directed. Where a party's comment or opposition filed in these proceedings appears in more than one group in the Notice of Order of Testimony or Addendum thereto, statements, exhibits, pleadings or briefs shall be filed on the date specified for the first group in which such comment or opposition is listed.

12. On June 21, 1951, Westinghouse Radio Stations, Inc., filed a petition with the Commission requesting that it be permitted to present its affirmative case, in these proceedings, in writing, and requesting insofar as its case is concerned that the only oral testimony be on cross examination. In view of the procedure adopted by the Commission herein for the remaining portion of these proceedings, the petition of Westinghouse Radio Stations, Inc., is rendered moot and is accordingly hereby dismissed.

13. This Order is issued pursuant to section 4 (i) and (j) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

Adopted: July 25, 1951.

Released: July 25, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8697; Filed, July 27, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26276]

BITUMINOUS COAL FROM ILLINOIS MINES TO CHICAGO, ILL.

APPLICATION FOR RELIEF

JULY 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri Pacific Railroad Company for itself and on behalf of the New York Central Railroad Company.

Commodities involved: Bituminous coal, carloads.

From: Illinois mines.

To: Chicago, Ill.

Grounds for relief: To meet intrastate rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8682; Filed, July 27, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18214]

BANK OF SILESIAN LANDOWNERS ASSN.

In re: Interest account owned by Bank of Silesian Landowners Association in Breslau, also known as Schlesische Landschaftliche Bank zu Breslau. F-28-5132.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bank of Silesian Landowners Association in Breslau, also known as Schlesische Landschaftliche Bank zu Breslau, the last known address of which is Breslau, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Breslau, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York City, New York, arising out of an interest account, entitled "City Bank Farmers Trust Company, Co-Fiscal Agent under Fiscal Agency and Trust Agreement, dated as of August 1, 1927, covering Schlesische Landschaftliche Bank zu Breslau, First Mortgage Collateral 6 Percent Sinking Fund Gold Bonds due August 1, 1947", maintained at the aforesaid bank, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bank of Silesian Landowners Association in Breslau, also known as Schlesische Landschaftliche Bank zu Breslau, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-8668; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18215]

MATHILDA SOLDAN

In re: Stock and Bonds owned by, and a debt owing to Mathilda Soldan, also known as Mathilda Bertha Soldam. F-28-30148; F-28-31188-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilda Soldan, also known as Mathilda Bertha Soldam, whose last known address is 2 Griegstrasse, Berlin-Dahlem, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) voting trust certificate for ten (10) shares of common stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered TVO-12093, registered in the name of Slade & Company, and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

b. One (1) voting trust certificate for five (5) shares of 5 percent Preferred Series "A" stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered TVO 12553, registered in the name of Slade & Company, and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

c. One (1) St. Louis-San Francisco Railway Company First Mortgage Series "A" bond due January 1, 1997, of $500.00 face value, bearing the number 2305 and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

d. Two (2) St. Louis-San Francisco Railway Company Second Mortgage 4½ percent Series "A" bonds of $200.00 face value each, bearing the numbers 788 and 792, registered in the name of Slade & Company and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

e. One (1) voting trust certificate for Forty-four Hundred Ten Thousands (4400/10,000ths) shares of common stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered 10862 and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

f. One (1) voting trust certificate for Twenty-two Hundred Ten Thousands (2200/10,000ths) share of 5 percent Preferred Series "A" stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered 11101, and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

g. One (1) scrip certificate for St. Louis-San Francisco Railway Company First Mortgage 4 percent bond, said certificate numbered 13202 and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

h. One (1) scrip certificate for St. Louis-San Francisco Railway Company Second Mortgage, Series "A" 4½ percent income bond, said certificate numbered 13551 and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto, and,

i. Those certain debts and other obligations of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, representing accretions from and allocable to the securities described in subparagraphs 2a, 2b, 2c, 2d, 2e, 2f, 2g, and 2h hereof, constituting a portion of the funds on deposit with the aforesaid express company in an account entitled "The American Express Company, Inc., Berlin," together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mathilda Soldan, also known as Mathilda Bertha Soldam, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8669; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18225]

PAUL BELLINGER ET AL.

In re: Cash owned by Paul Bellinger and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and addresses are listed in Exhibit A, attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Cash in the amount set forth opposite each name in the aforesaid Exhibit A, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts are Unknown", in the name of each of the persons listed in the aforesaid Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property.

EXHIBIT A

Name	Address	Amount	File No.
Paul Bellinger	Germany	$260.00	F-28-31540-E-1
Albert Franz Brand	do	107.94	F-28-31530-E-1
Wilhelm A. Braum	do	205.00	F-28-31529-E-1
Friedrich Bruett and Anna Bruett	do	101.85	F-28-30466-E-1
Edith Buetel	do	200.70	F-28-31531-E-1
Adolph F. Danckwart	do	459.00	F-28-31533-E-1
Paul Detgen	do	115.67	F-28-31534-E-1
Walter George Emmel	do	199.82	F-28-31535-E-1
Leo Fritz Escher	do	148.00	F-28-31536-E-1
Otto Frommeld	do	104.25	F-28-31537-E-1
Dr. Hans Gees	do	180.00	F-28-31538-E-1
Karl Albert Gisseler	do	180.00	F-28-31539-E-1
Ernst Friedrich Gradaus	do	134.00	F-28-31541-E-1
Otto Hartleben	do	100.00	F-28-31542-E-1
Rudolf F. Hintze	do	160.00	F-28-31543-E-1
Ewald Gustav Hubert	do	188.00	F-28-31544-E-1
Otto Kreutzmann	do	161.81	F-28-31325-E-1
Julie E. Krueger	do	145.00	F-28-31545-E-1
Hans Friedrich Meissner	do	173.80	F-28-31546-E-1
Friedrich Wilhelm K. Mevius	do	110.00	F-28-31547-E-1
Carl Ockelmann	do	101.00	F-28-31549-E-1
Paul Georg Oehmer	do	150.00	F-28-31550-E-1
Otto Palm	do	140.00	F-28-31551-E-1
Wilhelm Noltenius	do	258.10	F-28-31577
Friedrich Peitzner	do	350.10	F-28-31562-E-1
Rudolf Peters	do	280.00	F-28-31563-E-1
Paul Rositzka	do	198.68	F-28-31555-E-1
Friedrich M. Schaaf	do	103.00	F-28-31552-E-1
Wilhelm Schmidt-Kreinert	do	246.00	F-28-31553-E-1
Peter Schoenfeld	do	115.00	F-28-31554-E-1
Georg Seevers	do	125.00	F-28-31557-E-1
Otto Albert A. Sievert	do	134.00	F-28-31558-E-1
Karl Engelbert Sorg	do	291.05	F-28-31559-E-1
Pauline Sorg	do	397.05	F-28-31560-E-1
Alfred Heinrich Stammer	do	124.00	F-28-31561-E-1
Elsa Ullrich	do	197.47	F-28-31564-E-1
Robert Vogl, also known as Robert M. Vogl	do	219.35	F-28-30485-E-1
Werner Otto Voigt	do	378.00	F-28-31565-E-1
Johann Weyers	do	398.87	F-28-31566-E-1
Heribert Wilhelm Wilmes	do	186.00	F-28-31567-E-1
Otto Erich Wistuba	do	129.70	F-28-31568-E-1
Helmuth Zacharias-Langhans	do	155.00	F-28-31569-E-1
Herbert Ernst Zippel	do	275.00	F-28-31570-E-1

[F. R. Doc. 51-8720; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18216]

LUDWIG THIELKING ET AL.

In re: Bank accounts owned by Ludwig Thielking and others. F-28-31524; F-28-31525; F-28-31526; F-28-31527.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Thielking, Heinrich Thielking, Johann Thielking and Fritz Thielking, each of whose last known address is Bremen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bronx County Trust Company, Fordham Branch, Jerome Avenue, Bronx, New York, arising out of a savings account, Account Number H 11670, entitled Lena Hinrichs as attorney in fact for Ludwig Thielking, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ludwig Thielking, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Bronx County Trust Company, Fordham Branch, Jerome Avenue, Bronx, New York, arising out of a savings account, Account Number H 11671, entitled Lena Hinrichs as attorney in fact for Heinrich Thielking, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinrich Thielking, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation of Bronx County Trust Company, Fordham Branch, Jerome Avenue, Bronx, New York, arising out of a savings account, Account number H 11672, entitled Lena Hinrichs as attorney in fact for Johann Thielking, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johann Thielking, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation of Bronx County Trust Company, Fordham Branch, Jerome Avenue, Bronx, New York, arising out of a savings account, Account Number H 11673, entitled Lena Hinrichs as attorney in fact for Fritz Thielking, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Thielking, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8670; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18228]

CARL JUNGBLUT ET AL.

In re: Securities owned by Carl Jungblut and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibits A and B, attached hereto, and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibits A and B, attached hereto, and by reference made a part hereof, are corporations, partnerships, associations, or other business organizations organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal place of business in Germany, and are nationals of a designated enemy country (Germany);

3. That Karl Mayer and Johann Philipps Finzel, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

4. That the personal representatives, heirs, next of kin, legatees and distributees of Frank Baumann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of

a designated enemy country (Germany);

5. That the personal representatives, heirs, next of kin, legatees and distributees of Richard and Augusta von Laer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

6. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon.

b. Those certain bonds described in Exhibit B, owned by the persons identified as owners, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. One (1) Full Share Warrant, numbered 408 for 132 shares of common stock of the Consolidated Retail Stores, Inc., owned by Karl Mayer, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

d. One (1) Participating Trust Certificate, numbered 1397, issued in connection with the stabilization of Teutonia Avenue State Bank, Milwaukee, Wisconsin, owned by Johann Philipp Finzel, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

7. That to the extent that the persons referred to in subparagraphs 1, 2, 4 and 5 hereof and the persons named in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States, requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate Nos.	Number of shares	Owner
Divide Extension Consolidated Mines Co.	Capital	$0.10	3296, 4443, 4625	3,000	Wilhelm Becker.
Appalachian Gas Corp.	Common	None	NC 17813, NC 013591.	120	Do.
Cities Service Co.	do	None	FL 69229	30	Do.
The Utah Placer Co.	Capital	None	421	100	Marie Henrici Tillie.
American Oil & Refining Co.	do	1.00	1919, 1920	200	Elisabeth Gertrud Wyles.
Home Petroleum Co.	do	10.00	1705, 1706	50	Do.
Seaman-East Grocer Co.	do	25.00	42	20	Friedrich Michel.
Griesedieck Real Estate Co.	do	50.00	18, 28, 83	175	Elisabeth Griesedieck.
Griesedieck Artificial Ice Co.	do	500.00	49, 78	52	Do.
Ingram Mining & Milling Co. of Illinois.	do	10.00	523, 841, 835, 2078, 2080.	4,215	Do.
The California & Mexico Gold Mining Co.	do	1.00	944	1,000	Emma Wagner.
Union Oil Co. of California	do	25.00	NY/O 1218	44	Werner Kohl.
Roxy Theatres Corp.	Class A	None	A 15878	15	Personal representatives, heirs, next of kin, legatees and distributees of Frank Baumann, deceased.
Roxy Theatres Corp.	Common	None	C 20732	5	Do.
The Baltimore & Onio R. R. Co.	do	100.00	D 57742, A 21287, A 36630, A 51702.	25	Wilhelm Saueressig.
Pyramid Bond Mortgage & Securities Corp.	Capital Class A		Series A—1506	131 1/10	Peter and Claire Perabo.
Glengarry Mining Co.	Capital	1.00	322B	500	Generaldirektor Carl Ruecker.
Treasure Mountain Gold Mining Co.	do	.25	1394, 1700, 1853	120	Johann Philipp Finzel.
BX Corp.	do	.01	16	20	Personal representatives, heirs, next of kin, legatee and distributees of Frank Baumann, deceased.

EXHIBIT B

Description of issue	Face value	Certificate No.	Owner
International Standard Electric Corp. 15-year 4 percent Dutch guilder debentures.	[1]1,000	D 05144/58	Carl Jungblut.
Associated Gas & Electric Co., gold debenture bond.	$1,000.00	RT 21975	William and Martha Weimer.
St. Louis-San Francisco Ry. Co., prior lien mortgage 4 percent gold bonds Series A.	100.00	C 4979/80	Louis Blum.
Do.	100.00	C 4977/78	Ludwig Otto Schmidt.
St. Louis Southwestern Ry. Co., second mortgage 4 percent gold income bond certificate.	500.00	672	Betty Birkner.
BX Corp., Series BX-8 income debenture	2,000.00	16	Personal representatives, heirs, next of kin, legatees and distributees of Frank Baumann, deceased.
New York Title & Mortgage Co., Series BX-8 guaranteed first mortgage certificate.	2,000.00	94	Do.
The Denver & Rio Grande Western Railroad Co., general mortgage sinking fund gold bonds.	1,000.00 100.00	M 16766 C 400	Personal representatives, heirs, next of kin, legatees and distributees of Richard and Augusta von Laer, deceased.

[1] Dutch guilders.

[F. R. Doc. 51-8723; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18217]

DEUTSCH-ATLANTISCHE TELEGRAPHENGESELLSCHAFT AND AMERICAN EXCHANGE NATIONAL BANK

In re: Trust under trust deed of Deutsch-Atlantische Telegraphengesellschaft (German-Atlantic Cable Company) to the American Exchange National Bank dated April 1, 1925. File Nos. F-28-7684 and E-1; F-28-23362-G1; D-28-1927; F-28-2251.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Deutsch-Atlantische Telegraphengesellschaft is a corporation, partnership, association or other organization organized under the laws of Germany, which has or has had, on or since the effective date of Executive Order 8389, as amended, its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to any and all cash and securities payable or deliverable to the aforesaid Deutsch-Atlantische Telegraphengesellschaft, under the provisions of a trust deed dated April 1, 1925 of the Deutsch-Atlantische Telegraphengesellschaft to the The American Exchange National Bank, presently being administered by the Irving Trust Company, as successor trustee, New York, New York.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United

States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8712; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18218]

TAKESHI INOKUCHI

In re: Rights of Takeshi Inokuchi, also known as George T. Inokuchi under Insurance Contract. File No. D-39-18462-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takeshi Inokuchi, also known as George T. Inokuchi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. WS-128878, issued by the California-Western States Life Insurance Company, Sacramento, California, to Takeshi Inokuchi, also known as George T. Inokuchi, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Takeshi Inokuchi, also known as George T. Inokuchi, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8713; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18219]

RUDOLF T. AND ELSE KESSEMEIER

In re: Rights of Rudolf T. Kessemeier and of Else Kessemeier under Insurance Contract. File No. D-28-10687-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf T. Kessemeier and Else Kessemeier whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2 143 100 issued by The Penn Mutual Life Insurance Company to Eleanore B. Brown, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Penn Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Rudolf T. Kessemeier or Else Kessemeier, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8714; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18220]

JOHN H. RODE

In re: Estate of John H. Rode, deceased. File No. D-28-13033.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Luehrs, nee Rode, Lina Rode, Heinrich Rode, Willi Rode, Henny Strampe, Harry Woebse, Horst Woebse, Ida Woebse, and Hartwig Woebse, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of John H. Rode, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Robert G. Clostermann, as executor, acting under the judicial supervision of the Circuit Court of Multnomah County, Oregon;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8715; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18221]

URSULA M. SCHLICHTER

In re: Rights of Ursula M. Schlichter under Insurance Contracts. Files Nos. F-28-30692-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ursula M. Schlichter whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 34 169 830 and 34 169 831 issued by the Metropolitan Life Insurance Company to Ursula M. Schlichter, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ursula M. Schlichter, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8716; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18222]

ICHIRO AND TOKUE TAKAHASHI

In re: Rights of Ichiro Takahashi and of Tokue Takahashi under Insurance Contract. File No. F-39-5938-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichiro Takahashi and Tokue Takahashi whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 779835 issued by Home Insurance Company of Hawaii, Ltd., General Agent, New England Mutual Life Insurance Company, Honolulu, T. H., to Ichiro Takahashi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Home Insurance Company of Hawaii, Ltd., General Agent, New England Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Ichiro Takahashi or Tokue Takahashi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8717; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18230]

ANDREAS KNESCHKE ET AL.

In re: Securities owned by Andreas Kneschke and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibits A and B attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibits A and B attached hereto and by reference made a part hereof, are corporations, partnerships, associations or other business organizations organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That Helene Schall, whose last known address is 55 Berlinerstr., Meiningen/Thuer, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Irma Baensch, whose last known address is Herrenhaus Raschwitz, Markleeberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Ernst Becker, whose last known address is 10 Bremer Weg. Leipzig-Wiederitzsch, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. One (1) $20.00 face value interest coupon numbered 96, of the Denver and Rio Grande Railroad Company on its first consolidated mortgage bond numbered 24588, due July 1934, owned by Helene Schall, which coupon is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. Five (5) common stock subscription warrants of the Havana Electric Railway Company, evidenced by certificates numbered 770, 1615, 1616, 1617 and 1618, owned by Irma Baensch, which certificates are in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

e. One (1) Guaranteed First Mortgage Certificate, issued by the Title Guarantee and Trust Company, New York City, guaranteed by Bond and Mortgage Guarantee Company, Certificate No. B64880, of $7,000.00 face value, owned by Ernst Becker, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany).

and it is hereby determined:

7. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof and the persons named in subparagraphs 3, 4 and 5 hereof are not within a designated enemy country, the national interest of the United States

requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate Nos.	Number of shares	Owner
Anon Oil Co. of Delaware	Capital	$10.00	6603/5	3	Andreas Kneschke.
Chicago & Northwestern Ry. Co.	Common	100.00	276727	31	Barbara Eleonore Boden.
Do	Preferred	100.00	037534	14	Do.
Goldfield Deep Mines Co. of Nevada.	Capital	.05	21341	220	B. Stern, Jr.
Do	do	.05	N. Y. 31069	33	Knauth, Nachod & Kuehne.
Karl Krause U. S. Corp	do	100.00	1 4 7	117	Karl Biagosch.
Do	do	100.00	2 5 8	117	Curt Biagosch.
Do	do	100.00	3 6 9	116	Dr. Heinrich Biagosch.
Original Laminated Patent-barrel Co., Inc.	do	$100.00	7/14	160	Georg Mueller.
The Regina Corp		None	140 165 166	74 75 1/100 137 3/100	Knauth, Nachod & Kuehne.
The Rock Island Co	Common	100.00	B136373	50	Do.
Do	do	100.00	B76534/7	40	Walter Naether.
The Ryan Car Co	Preferred	100.00	PO149	10	Stillhaltekommissar Abwicklungsstelle in den Westgebieten.
The Second National Bank & Trust Co. of Red Bank, Red Bank, N. J.	Cum. preferred	100.00	SC2433	19 1/100	Dr. Joseph Muendnich.
Steel Products Corp. of America.	Common	None	NY1100	10	Reichsbank Halle.
United Copper Co	Preferred	100.00	1902	100	Knauth, Nachod & Kuehne.
The Tri-Bullion Smelting & Development Co., Arizona.	Common	.10	845	820	Leonore Hampe.
	B Capital	.10	B794	510	
Wisconsin Motor Co	Common	None	464	20	Stillhaltekommissar Abwicklungsstelle in den Westgebieten.
	Preferred	100.00	403	10	

EXHIBIT B

Description of issue	Face value	Certificate number	Owner
Alabama Tennessee & Northern Railroad Co., first mortgage 5 percent 50-year gold bonds, due Oct. 1, 1956.	[1] $1,000.00	430 472	Stillhaltekommissar Abwicklungsstelle in den Westgebieten.
Interborough-Metropolitan Co., collateral trust 4½ percent gold bonds, due Apr. 1, 1956.	[1] 1,000.00	60754 61334	Do.
International Mortgage & Investment Corp., 6½ percent 5-year gold bonds, due Apr. 1, 1932.	[1] 1,000.00	522 523 524	Margarete Georgi.
International Mortgage & Investment Corp., 6½ percent 5-year gold bonds, due Feb. 1, 1932.	[1] 1,000.00	M775 M776 M777	Do.
Missouri Pacific R. R. Co., first and refunding mortgage 5 percent gold bonds, Series F, due Mar. 1, 1977.	[1] 1,000.00	22273 22274	Fritz Hanke.
Missouri Pacific R. R. Co., first and refunding mortgage 5 percent gold bonds, Series F, due Mar. 1, 1977.	[1] 1,000.00	22271 22272	Martin Lanzendorf.
Yosemite Short Line Ry. Co., 40-year first mortgage sinking fund 4½ percent gold bonds, due Sept. 1, 1945.	[1] 100.00	99 100 943	Stillhaltekommissar Abwicklungsstelle in den Westgebieten.

[1] Each.

[F. R. Doc. 51-8725; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18223]

KAZUO TAKAHASHI

In re: Rights of Kazuo Takahashi under Insurance Contract. File No. D-39-1297-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kazuo Takahashi whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contract of insurance evidenced by Policy No. 711984 issued by New England Mutual Life Insurance Company to Kazuyuki Takahashi and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New England Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kazuo Takahashi, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8718; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18224]

MRS. NOBUE TORASAKI AND TORU TORASAKI

In re: Rights of Mrs. Nobue Torasaki and Toru Torasaki under Insurance Contract. File No. F-39-1737-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Nobue Torasaki and Toru Torasaki whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceds due or to become due the above designated nationals under a contract of insurance evidenced by Policy No. 1,173,588 issued by Sun Life Assurance Company of Canada to Mosuke Torasaki together with the right to demand, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on be-

half of, or on account of, or owing to, or which is evidence of ownership or control by Mrs. Nobue Torasaki and Toru Torasaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8719; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18226]

DEUTSCHE FANTO MINERALOEL-INDUSTRIE-GESELLSCHAFT MIT BESCHRAENKTER HAFTUNG

In re: Debt owing to Deutsche Fanto Mineraloel-Industrie-Gesellschaft mit beschraenkter Haftung, Hamburg. F-28-9542, F-11-226, F-57-98.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Fanto Mineraloel-Industrie-Gesellschaft mit beschraenkter Haftung, Hamburg, the last known address of which is 11 Meenckebergstrasse, Hamburg, Germany, is a corporation, organized under the laws of Germany, which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in the amount of $255,076.76, arising out of a portion of a deposit account in the name of Banque Chrisseveloni, S. A. R., Bucharest, Roumania, maintained at the aforesaid Guaranty Trust Company of New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Fanto Mineraloel-Industrie-Gesellschaft mit beschraenkter Haftung, Hamburg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8721; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18227]

CERTAIN GERMAN ACCOUNTS

In re: Accounts owned by Germany. F-28-4403.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That City of Cologne is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of an interest account opened prior to January 1, 1935, entitled "City of Cologne 25 Year 6½ Percent Sinking Fund Gold Bonds of 1925, due March 15, 1950", maintained at the office of the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of a sinking fund account opened prior to January 1, 1935, entitled "City of Cologne 25 Year 6½ Percent Sinking Fund Gold Bonds of 1925, due March 15, 1950", maintained at the office of the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8722; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18229]

HYOTARO KANEKO

In re Bank account owned by Hyotaro Kaneko, also known as Ryotaro Kaneko, Reizo Kaneko and as R. Kaneko. D-39-5338.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hyotaro Kaneko, also known as Ryotaro Kaneko, Reizo Kaneko and as R. Kaneko, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Security-First National Bank of Los Angeles, Los Angeles, California, arising out of a commercial account, entitled "H. Kaneko," maintained at the branch office of the aforesaid bank located at 2017 East Fourth Street, Long Beach, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hyotaro Kaneko, also known as Ryotaro Kaneko, Reizo Kaneko and as R. Kaneko, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy coun-

try, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8724; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18231]

JULIUS KULLAK ET AL.

In re: Securities owned by Julius Kullak and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Kullak, whose last known address is Wesermuende-Mitte, Fichtestr. 4, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Johann H. Knoop, whose last known address is Rechtenfleth Krs. Wesermuende, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That Margaret Korte Wrede, whose last known address is Loxstedt, Kreis Wesermuende Bahnhofstr. 166, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Helene Piwowarski Wiechmann, whose last known address is Wesermuende-G Georg Seebeckstr. 49, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Kaethe Henken, whose last known address is Wesermuende Johannesstr. 32, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That Sophie Karstens, whose last known address is Bolmerharln, Friesenstr. 32, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That the property described as follows:

a. One hundred (100) shares of $10.00 par value capital stock of American Portland Cement Company of Little Rock, Arkansas, evidenced by a certificate numbered 851, owned by Julius Kullak, which certificate is presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Five (5) 8 percent five year bonds, Series A, due January 1, 1924, of The Dixie Oil Company of Kentucky, Inc., of $100.00 face value each, bearing the numbers 1248 through 1252 owned by Johann H. Knoop, which bonds are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. Two (2) Bond Issue Notes of The Dixie Oil Company of Kentucky, Inc., numbered 1015 and 1016, issued July 15, 1918, owned by Johann H. Knoop, which notes are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. One (1) Bond Issue Note of The Dixie Oil Company of Kentucky, Inc., numbered 1495, issued October 1, 1918, owned by Johann H. Knoop, which note is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

e. Fifty (50) beneficial interest shares of $10.00 par value in the Katy Oil Company, evidenced by a certificate numbered 28, owned by Johann H. Knoop, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

f. That certain debt or other obligation evidenced by two (2) common stock dividend checks of the Radio Corporation of America, drawn on The Chase National Bank of the City of New York, said checks being payable to Fred. Korte, Loxstedt near Bremmerhaven, Germany, endorsed in blank by Margaret Wrede and Ludwig Wrede, numbered and in the amounts as set forth below:

Check No.	Amount	Dividend No.
225765	$18.00	3
227127	16.70	4

owned by Margaret Korte Wrede which checks are presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the same and any and all rights in, to and under said checks,

g. One (1) guaranteed 5½ percent first mortgage participation certificate, numbered T441, issued by Steneck Title & Mortgage Guaranty Company, Hoboken, New Jersey, of $300.00 face value, owned by Helene Piwowarski Wiechmann, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

h. One (1) participation certificate in No. 875 Boulevard East, Weehawken, New Jersey, issued by Clinton B. Snyder, Trustee certifying that $5,300.00 is due the holder thereof with 5½ percent interest from May 1931, owned by Helene Piwowarski Wiechmann, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

i. One (1) scrip certificate numbered S2996 representing fractional interest of 620/1910ths in a share in a voting trust of the capital stock of the Seaboard Trust Company, owned by Kaethe Henken, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

j. One (1) non-transferable receipt, issued May 9, 1932, numbered 1706, for assignment of claim of depositor against Steneck Trust Company under plan and agreement dated April 15, 1932, owned by Kaethe Henken, which receipt is in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

k. One (1) Steneck Title & Mortgage Guaranty Company, Hoboken, New Jersey, 5½ percent guaranteed first mortgage participation certificate numbered T233 of $500.00 face value, owned by Sophie Karstens, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

8. That to the extent that the persons named in subparagraphs 1, 2, 3, 4, 5 and 6 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8726; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18233]

BABETTE NEEDER ET AL.

In re: Securities owned by Babette Needer and others.

Under the authority of the Trading With the Enemy Act, as amended, Exec-

utive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibits A and B, attached hereto, and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy couuntry (Germany);

2. That the enterprises whose names are set forth as owners in Exhibits A and B, attached hereto and by reference made a part hereof, are corporations, partnerships, associations, or other business organizations, organized under the laws of Germany and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That Josef Altmann, whose last known address is Ansbach, Schwanenstr. 6, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Richard Huber, whose last known address is Augsburg, Neidharstr. 15/III, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Karl Feilner, whose last known address is Riederau am Ammersee, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That Karl Vogels, whose last known address is 25 Prinzregentenstr. Augsburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That Annie Nuesslein, whose last known address is 23/II Zinkenwoerth, Bamber 9, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

8. That Maria Lueg, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

9. That Gretchen Zink nee Geissler, whose last known address is Fuerth i. B. 3 Schirm Str., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

10. That Eugen Hellmuth, whose last known address is Fuerth/B Moststr. 35, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

11. That Friedrick Schmitz, whose last known address is Kitzingen a/Main, Bismarckstr. 8, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

12. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified as owners, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. Two (2) certificates of deposit of Wabash-Pittsburgh Terminal Railway Company second mortgage 4 percent gold bonds due 1954, numbered 2166 and 3380, each of $1,000.00 face value, owned by Josef Altmann, which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. One (1) certificate of indebtedness, numbered 3742, Series No. 1, of the Oregon and California Railroad Company evidencing an indebtedness in the sum of $35.00 for unpaid interest of warrant numbered 7 of first mortgage bond numbered 3742 of said Oregon and California Railroad Company, owned by Richard Huber, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

e. One (1) trust certificate, numbered 7, representing three (3) shares of no par value capital stock of 1608 Sherwin Building Corporation, owned by Karl Feilner, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

f. One (1) common stock voting trust certificate numbered 4, dated October 15, 1931, signed by Straus National Bank and Trust Company of Chicago, Agent of the Trustees of the Upper La Salle Building Corporation, owned by Karl Feilner, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

g. One (1) voting trust warrant certificate, numbered W4, for 26/100ths share of common stock of the Upper La Salle Building Corporation, owned by Karl Feilner, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

h. One (1) share of a beneficial interest in United States Silver Fox Farms of California, of $10.00 par value, evidenced by certificate numbered 2684, and one (1) share of beneficial interest in United States Fox Farms of California, of no par value, evidenced by certificate numbered 1489, owned by Karl Vogels, which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

i. One (1) scrip certificate numbered 41300 for 2/10ths of one (1) share of $10.00 par value capital stock of the Amerex Holding Corporation, owned by Annie Nuesslein, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

j. One (1) certificate of deposit numbered AD762, for St. Louis-San Francisco Railway Company prior lien mortgage 4 percent gold bond, Series A, due July 1, 1950, of $500.00 face value, owned by Maria Lueg, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

k. One (1) certificate of deposit, numbered 11729 of The Real Estate Bondholders Protective Committee for $1,000.00 principal amount of Eastern Ambassador Hotels first and refunding mortgage fee 5½ percent sinking fund gold bond numbered M15234, due June 15, 1947, owned by Gretchen Zink nee Geissler, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

l. One (1) coupon, numbered 4, due October 1, 1880, No. 03742, owned by Richard Huber, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

m. One (1) trustee's certificate numbered 02250 issued by The Liberty Title and Trust Company for one-fifth (⅕) of one share of $20.00 par value stock of Metals Coating Company of America, owned by Eugen Hellmuth, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

n. One (1) trustee's certificate numbered 02575 issued by The Liberty Title and Trust Company for one-fifth (⅕) of one share of $20.00 par value stock of Metals Coating Company of America, owned by Friedrich Schmitz, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

13. That to the extent that the persons named in subparagraphs 3, 4, 5, 6, 7, 8, 9, 10, and 11 hereof and the persons referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issue	Class of stock	Par value	Certificate Nos.	Number of shares	Owner
Transamerica Corp.	Capital		SF/T 16384	20	Emmy Maar.
The Denver & Rio Grande Western RR. Co.	6 percent cumulative preferred.	$100.00	PF 2299	16	Michael Imhof.
Premier Shares, Inc.	Capital	None	L 1239	30	Katharina Stadtmueller.
Airship Construction & Navigation Corp.	Common	None	286, 289	200	Hans Kratzer & Co.
Dearborn Claridge Co.	do	None	719	3	Karl Feilner.
Gold Coin Mining Co.	do	5.00	1041	1 9/100	Detmar Fr. Stahlknecht.
			1418	4	
1740 Humboldt Bldg Corp.	do	None	82	3	Karl Feilner.
Universal Security Corp.	Preferred	50.00	P 1046	16	Josef Bastgen.
Universal Security Corp.	Common	None	C 1148	16	Do.
Chicago North Shore & Milwaukee RR. Co.	Prior lien capital stock.	100.00	PLC 27084	5	Emilie Herde.
Cities Service Co.	Common	None	VL 246905, VL 406086, VL 528399, XL 29756.	38	Annie Nuesslein.
Freeport Texas Co.		None	O 66204	10	Adam Stappenbacher.
Blue Ridge Corp.	Common	None	TBCO 779	5	Hans Hoffmeister.
The Doyle Consolidated Mines Co.	Capital	1.00	599/607, 609/612	325	Rosa Paulfranz.
Glengarry Mining Co.	do	1.00	628 B	500	Margarete Vahlbruch.
Northern Mining Corp.	do	None	6390	500	Do.
Packard Motor Co.	do	None	NO64744	10	Hans Hoffmeister.
Richfield Oil Co. of California.	Common		SC/0 23185	10	Arno Platsch.
Associated Calitalo Holdings, Ltd.	Capital	.10	CL 7875	20	Alosi Held.
Waldorf Bungalows, Inc.		None	76	49/100	Georg Martin Simon and Elise Simon.
Cities Service Co.	Common	None	VL 758918, XL 333367.	45	Johann Koenig.
Steel Products Corp. of America.	do	None	NY 1246	10	Gregor Weber.
Park Utah Consolidated Mines Co.	Capital	1.00	N. Y. O. 22736	70	Albertine Grau.

EXHIBIT B

Description of Issue	Face value	Certificate No.	Owner
Chicago, Milwaukee, St. Paul & Pacific R. R. Co. 50-year 5 percent mortgage gold bond Series A, due Feb. 1, 1975.	$500.00	D 1990	Babette Needer.
Cities Service Co. 5 percent convertible gold debenture due June 1, 1950.	1,000.00	M 95372	Alfred Lochner.
Union Pacific R. R. Co. first mortgage railroad and land grant 4 percent gold bond, due 1947.	1,000.00	M 41243	Do.
The Galveston, Houston & Henderson R. R. Co., 10 percent land bond.	100.00	1840	Helene Rothbarth.
Western Pacific R. R. Co. first mortgage 5 percent gold bonds, Series A, due Mar. 1, 1946.	100.00	C 508	Wilhelm Klaubert.
	100.00	C 509	
	100.00	C 510	
	100.00	C 511	
	100.00	C 1743	
	100.00	C 1744	

[F. R. Doc. 51-8728; Filed, July 27, 1951; 8:49 a. m.]

[Vesting Order 18232]

YASABURO MATSUKAWA

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Yasaburo Matsukawa, also known as Y. Matsukawa, deceased. D-39-7257-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Yasaburo Matsukawa, also known as Y. Matsukawa, deceased, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of the Seattle First National Bank, International Branch, 562 Jackson Street, Seattle 4, Washington, arising out of a Checking Account, entitled Y. Matsukawa, maintained with the aforesaid bank and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $23.54 as of August 23, 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Yasaburo Matsukawa, also known as Y. Matsukawa, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Yasaburo Matsukawa, also known as Y. Matsukawa, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8727; Filed, July 27, 1951; 8:49 a. m.]

[Vesting Order 18234]

NINISTIFTUNG IN GLARUS

In re: Accounts maintained in the name of Ninistiftung in Glarus, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-63-12692.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States

with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Ninistiftung in Glarus Amsterdam, the Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Bank Deposit—Ninistiftung in Glarus, as described by The Chase National Bank of the City of New York, in its report on Form OAP-700, bearing its Serial No. 145.

[F. R. Doc. 51-8729; Filed, July 27, 1951; 8:49 a. m.]

[Vesting Order 18235]

EDDA MUSSOLINI CIANO

In re: Bank accounts owned by Edda Mussolini Ciano. F-63-12533.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, Executive Order 9788, and Executive Order 9989, and pursuant to law, after investigation, it is hereby found and determined:

1. That Edda Mussolini Ciano is a citizen and national of Italy and, since the effective date of Executive Order 8389, as amended, has acted or purported to act directly or indirectly for the benefit or under the direction of Germany and is by virtue of Executive Order 8389, as amended, also a national of Germany;

2. That to the extent that Edda Mussolini Ciano is not within a designated enemy country, the national interest of the United States requires that she be treated as a national of a designated enemy country;

3. That the property described as follows:

a. That certain debt or other obligation of The New York Trust Company, 100 Broadway, New York 15, New York, arising out of an account entitled Edda Mussolini Ciano maintained with said Company and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of an account entitled Edda Ciano maintained with said Bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or owing to, Edda Mussolini Ciano, the aforesaid national of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8730; Filed, July 27, 1951; 8:49 a. m.]

[Return Order 984]

EVERETT IRION

The claim referred to below was set down for hearing, and a decision thereon allowing return of the property listed below was issued by the Chief Hearing Examiner for Title Claims and is incorporated by reference herein and filed herewith. A review of the Decision regarding the said property was denied by the Director of the Office of Alien Property on February 23, 1951, and the Decision thereupon became final (8 CFR 502.22). The Director thereafter determined that a return of the property listed below would be in the national interest (F. R. Doc. 51-3395; Filed, March 15, 1951). A determination regarding fees of attorneys was issued and is filed herewith.

It it ordered, That the claimed property, described below be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Everett Irion, Trustee, Dallas, Tex.; Claim No. 33958; March 16, 1951 (16 F. R. 2486); $38,544.89 in the Treasury of the United States. All property described in Assignments dated March 19, 1947, and June 24, 1947, respectively from H. Molsen & Co. to the Attorney General of the United States, including specifically, certain accounts receivable therein identified. All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 183 (7 F. R. 9360, November 13, 1942) in and to all other property and assets arising from the liquidation of H. Molsen & Co.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8731; Filed, July 27, 1951; 8:49 a. m.]

YSABEL DE PANIAGUA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property

Ysabel de Paniagua, Paris, France; Claim No. 41766; property described in Vesting Order No. 666 (8 F. R. 5047, April 18, 1943) relating to United States Letters Patent Nos. 1,863,436 and 1,960,142.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8673; Filed, July 26, 1951; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-2435, 70-2436]

SOUTHERN CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER REMAINING FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of July 1951.

In the matter of the Southern Company, Alabama Power Company, File No. 70-2435; and Electric Bond and Share Company, File No. 70-2436.

The Southern Company ("Southern"), a registered holding company, and Alabama Power Company ("Alabama"), a public utility subsidiary of Southern, having filed a joint application-declaration and amendments thereto (File No. 70-2435) pursuant to the Public Utility Holding Company Act of 1935, with respect to, among other things, the acquisition by Southern of the common stock of Birmingham Electric Company ("Birmingham"), then a public utility subsidiary of Electric Bond and Share Company ("Bond and Share"), a registered holding company, the issuance of new common stock by Southern in exchange for the stock of Birmingham to be so acquired, the acquisition by Alabama from Southern of the common stock of Birmingham, in exchange for common stock of Alabama, and the acquisition by Alabama of shares of $100 par value, 4.20 percent preferred stock of Birmingham in exchange for shares of $100 par value, 4.20 percent preferred stock of Alabama and the issuance of the latter shares for that purpose; and

The Commission by its order dated August 24, 1950 (Holding Company Act Release No. 10,055) having granted said application and permitted said declaration to become effective and said order having contained a reservation of jurisdiction with respect to, among other things, the payment of fees and expenses for legal and accounting services and for services rendered by Southern Services, Inc. and Commonwealth Services Inc. incurred by Southern and Alabama with respect to the proposed transactions; and

The record having been completed with respect to such fees and expenses and it appearing that Southern and Alabama propose the payment of fees and expenses and the allocation thereof as set forth below:

To be paid to—	To be paid by—			
	Southern		Alabama	
	Compensation	Expenses	Compensation	Expenses
Winthrop, Stimson, Putnam & Roberts, for services as company counsel	$7,000.00	$520.12	$25,500.00	$1,338.68
Arthur Anderson & Co., for accounting services	7,300.00	685.38	4,500.00	463.90
Commonwealth Services, Inc., for clerical and stenographic services	347.21	1.38	360.23	----------
Southern Services, Inc., for studies and general services	2,535.84	----------	5,571.08	----------
Total	17,183.05	1,212.88	35,931.31	1,802.38

The Commission having examined the information furnished with respect to such fees and expenses and it appearing that the proposed payments and allocations are not unreasonable:

It is ordered, That the jurisdiction heretofore reserved herein over the payment of fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8681; Filed, July 27, 1951; 8:45 a. m.]